2016–2017 ANNUAL REPORT

The Office of the Ombudsperson

B.C.'s Independent Voice For Fairness

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ਗੁਪਤ, ਪਰੋਫੈਸ਼ਨਲ ਦੁਭਾਸ਼ੀਆ ਸੇਵਾਵਾਂ 180 ਨਾਲੋ ਜ਼ਿਆਦਾ ਜ਼ਬਾਨਾਂ ਵਿਚ ਦਿਤੀਆਂ ਜਾਂਦੀਆਂ ਹਨ। ਕਿਰਪਾ ਕਰਕੇ ਅੰਗਰੇਜ਼ੀ ਵਿਚ ਉਸ ਜ਼ਬਾਨ ਦਾ ਨਾਂ ਕਹਿਣ ਲਈ ਤਿਆਰ ਰਹੋ ਜਿਹੜੀ ਤੁਸੀਂ ਬੋਲਦੇ ਹੋ।

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B.C.'s Independent Voice For Fairness

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The Honourable Darryl Plecas
Speaker of the Legislative Assembly
Parliament Buildings, Room 207
Victoria BC V8V 1X4

Dear Mr. Speaker:

It is my pleasure to present the Office of the Ombudsperson's 2016/17 Annual Report to the Legislative Assembly.

This report covers the period April 1, 2016 to March 31, 2017 and has been prepared in accordance with section 31 (1) of the *Ombudsperson Act*.

Yours sincerely,

Jay Chalke
Ombudsperson
Province of British Columbia

November 2017

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From the Ombudsperson

For this is not the liberty which we can hope, that no grievance ever should arise in the Commonwealth – that let no man in this world expect; but, when complaints are freely heard, deeply considered, and speedily reformed, then is the utmost bound of civil liberty attained that wise men look for.

John Milton
Areopagitica
1644

The *Ombudsperson Act* gives the Ombudsperson the responsibility to receive and investigate "a complaint" about the actions, or inactions, of public authorities in the province. The word "complaint" – while central to our mandate – can have a narrow and indeed unpleasant connotation. Few people enjoy complaining.

However, when viewed from another perspective and stripped of the pejorative connotation, a complaint is simply the articulation of a grievance.[1] And as Milton suggests above, the right to have one's grievance considered is nothing less than a foundational element of a civil society. Complaint resolution also, quite practically, helps authorities identify problems and continuously improve. The normalized and routine presentation and resolution of grievances supports modern public service values of accountability, fairness and transparency. And it's not a new concept: As I noted in last year's Annual Report, the hearing and resolution of public grievances has a long history in many societies, both modern and ancient.

The Office of the Ombudsperson works impartially. We are independent of both the individual complainant and the public authority we might investigate. Neither an apologist for the public body nor an advocate for the complainant, we investigate government conduct and, by doing so, reveal to the complainant, to the public authority, and to the public how the system really operates. Sometimes the light we shine reveals a public body operating as it should – following a reasonable administrative processes, applying the law and its own rules, and treating all people fairly and reasonably. Other times, however, we shine a light into corners of government where improvement is needed. In either circumstance, we rely on careful and thorough investigation, rigorous fact-finding and analysis, and the development of principled and practical resolutions that can yield improvements in public administration. Such improvements to public administration come about not through coercion, but rather through the power of persuasion. And yes, sometimes a touch of persistence is involved.

It is the nature of many government services that those most involved with the state are frequently people who are the most vulnerable. Vulnerable individuals may be able to spare little time or energy to seek redress from a public authority that may have treated them unfairly. And typically, government services are a monopoly so the public, particularly those who are vulnerable, can't simply obtain the service elsewhere. For these individuals with limited options, contacting our office is particularly important. Our investigations represent a balancing of the scales – so that even the seemingly powerless can initiate a process to hold

1 See: Hyson, Stewart. The Ombudsman and e-government in Canada, Canadian Public Administration, Vol. 53, No.2. p. 183-200.

a public body to account. And we balance the scales of power, not as an advocate, but as an impartial investigator.

Sometimes the outcome of an investigation is a recommendation to a public authority that they change how their service is delivered. Such a change won't necessarily help the individual who complained to us (it is not always possible to turn back the clock), but it will benefit those who come later. It is to the credit of many complainants who understand this and say "I just don't want what happened to me to happen to someone else." It is that spirit – and the willingness of public authorities to make changes for the better – that yields improvements in public administration.

The Office of the Ombudsperson delivers on its mission through three main approaches – individual complaint investigations, systemic and special investigations and preventative ombudship.

The first of these – individual complaint investigations – arose this year from the nearly 8,000 inquiries and complaints that we responded to. Over 2,200 early resolutions and investigations were completed in the 2016/17. These early resolutions and investigations assisted people all across the province. Many resulted in changes in public administration that improved the future operation of government ministries, Crown corporations, health authorities, school districts and local governments. And as a result, other members of the public received better service than would have been the case had the individual complainant not come to our office with their concerns.

Our systemic and special investigations continue to benefit the public. In 2016/17 we released a systemic report related to correctional centre inspections that arose from an Ombudsperson-initiated investigation. *Under Inspection: The Hiatus in BC Correctional Centre Inspections* reported on an 11-year gap in a program of inspection of provincial correctional institutions – a program that was required by B.C. law. And the report also reviewed the adequacy of the inspection program that was put in place after the hiatus. We made seven recommendations to prevent such a gap from reoccurring and to improve the inspection program that was established. I am very pleased that government accepted all our recommendations; especially our recommendation that new, more stringent international standards for prison inspections be applied within the province by 2018.

Throughout 2016/17 we investigated the 2012 health firings matter that was referred to us by a legislative committee in 2015. This investigation, the largest in the history of our office, was completed and the resulting report, titled *Misfire*, was deposited with the Speaker, in April of this year shortly after the period covered by this annual report. Because *Misfire* was deposited and released in 2017/18, it will be featured in next year's annual report. In the interim, I am encouraged that government has accepted all the recommendations made in *Misfire*.

The third aspect of our work – preventative ombudship – was given a significant boost when the Select Standing Committee on Finance and Government Services approved our funding request for a three year pilot project. The aim of the project is to work with public authorities to enable those organizations to prevent problems from arising in the first place, rather than reacting to them after they occur. The project is our attempt to bring life to the old adage: "an ounce of prevention is worth a pound of cure." That funding, which starts in 2017/18, will permit us to spread the word of how administrative fairness and responsive customer service can prevent problems, facilitate our work in assisting public authorities in the early identification of potential and emerging problems, and create capacity so that we can provide advice to

authorities on how existing problems can be resolved. The project team is up and running and I'll have more to report through the three year life of the pilot.

With the new parliament established after the 2017 general election comes an opportunity to again address a longstanding request of this office – that a committee of the Legislative Assembly receive and consider reports of the Ombudsperson. As both my predecessor and I have pointed out, the reports of two other Legislative Officers – the Auditor General and the Representative for Children and Youth – are considered by legislative committees. I am hopeful that adding Ombudsperson reports to the list will happen shortly. It would represent an effective forum for opportunities for improvement in public administration across the broader provincial public sector to be discussed and addressed by legislators.

Reaching out to communities across the province so that we can spread the word about administrative fairness helps the public understand the kind of service they can expect from their government and when and how to turn to us for assistance. In 2016/17 we visited ten communities to receive complaints in person: Prince George, Quesnel, Williams Lake, 100 Mile House, Whistler, Pemberton, Lillooet, Ashcroft, Cache Creek and Kamloops. We set up "Ombudsperson Offices for the Day" in those communities and met with members of the public who had concerns about the administrative fairness of provincial and local public authorities. This is one important way to ensure the public is aware of their right to fair and reasonable treatment from government and where to turn if they need help.

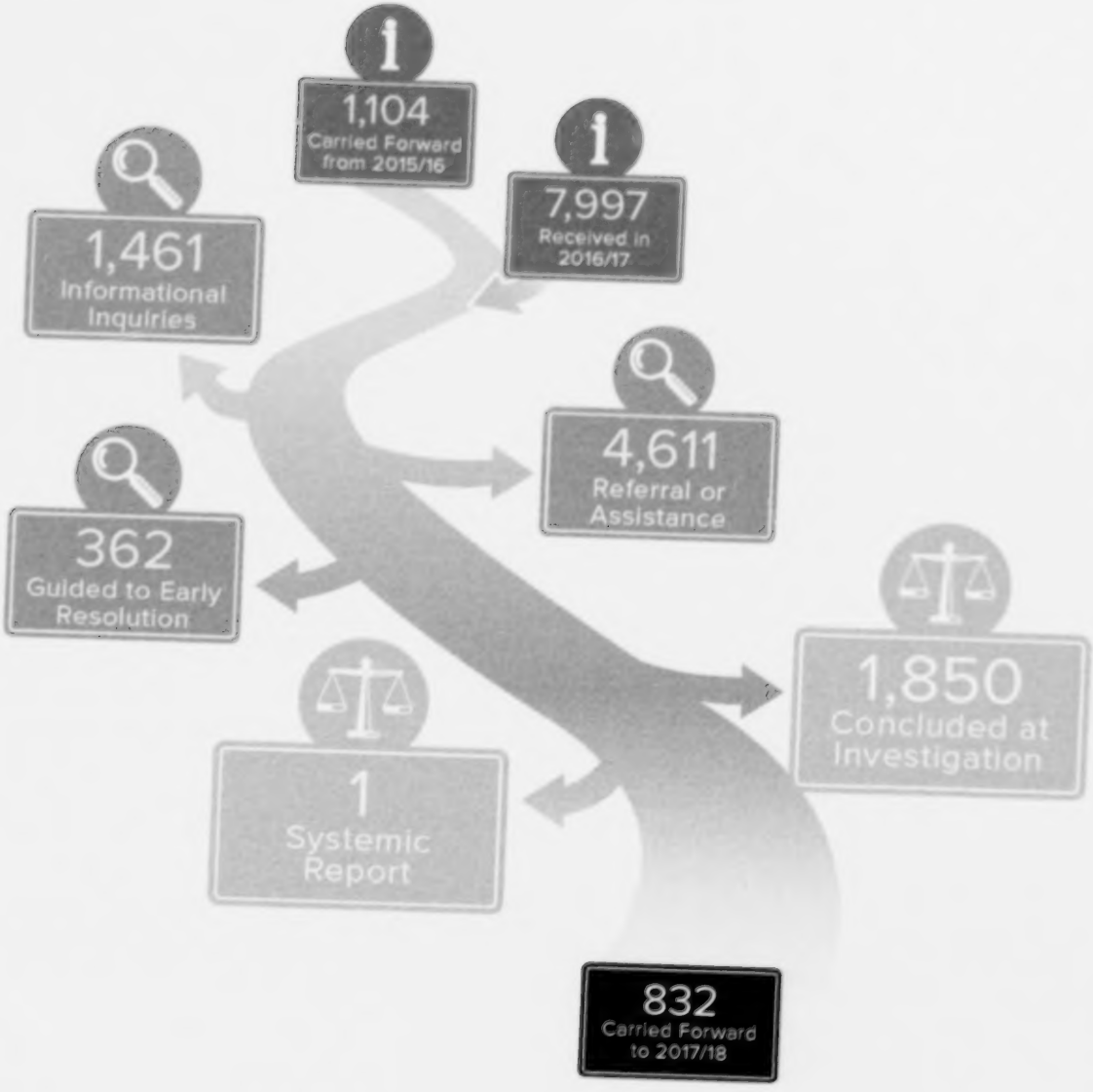
Individuals in British Columbia have a right to expect that the provincial and local public authorities they interact with every day will treat them fairly. The public values such fair treatment, both for themselves and for the communities in which they live. And public authorities across the province also understand that treating people fairly and reasonably allows the public bodies to efficiently and effectively fulfill their mandates. It is through the engaged, committed and dedicated staff of our office that these shared values of the public and public authorities are protected.

We continue to make progress in infusing all aspects of public administration with a principled and practical approach to fair treatment.

Jay Chalke
Ombudsperson

The Year in Review

Handling Complaints in 2016/2017: Intake, Analysis and Investigation



See page 76 for more detailed information about these outcomes.

2016/2017 in Review

Under Inspection

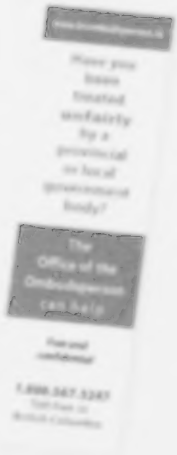
On June 16, 2016, the office released *Under Inspection: The Hiatus in B.C. Correctional Centre Inspections*. The Ombudsperson's investigation found that a legally required program of regular inspections of correctional centres was not in place from 2001 until 2012. *Under Inspection* includes seven recommendations to address transitions of legally required programs from one ministry to another and to improve the correctional centre inspection system that was put in place in 2012. All seven of the recommendations were accepted by government. When implemented, these changes will ensure that inspections give priority to matters related to inmates' human rights, health and safety. By 2018, the inspection program is to be brought into compliance with new international minimum standards for the treatment of inmates. Download or request printed copies of *Under Inspection* at www.bcombudsperson.ca.

Public Authority Education

Ombudsperson outreach includes instructional seminars designed to proactively address administrative fairness issues at provincial or local government bodies. In 2016/2017 Ombudsperson staff attended both the Southern Interior Local Government Association Conference and the Licence Inspectors and Bylaw Officers Association Conference to discuss the office's 2016 *Bylaw Enforcement* guide. The guide highlights fairness challenges facing local governments related to bylaw enforcement including the exercise of discretion, developing complaints policies and handling appeals. Extending the conversation to the *Open Meetings* guide, the Ombudsperson attended the North Central Local Government Associations inaugural Mayors and Regional District Chairs Roundtable where nearly 40 municipalities, regional districts and First Nations participated. Rounding things off, the office presented at the Housing Counsellor Training Program where it addressed the Ombudsperson's *The Best of Care* recommendations pertinent to seniors care and assisted living.

> *"Again, thank you for your help, very much appreciated as you took the time to listen when nobody else did!"*
>
> Complainant - 2016/2017

Bookmarks and Library Receipts



For a second year, the Office of the Ombudsperson partnered with British Columbia's community libraries. The office's message was printed 435,000 times on the back side of till tape receipts at libraries in 26 communities across the province. Ombudsperson bookmarks were distributed to libraries in 27 additional communities. To request bookmarks, brochures, or other educational material for your organization, please inquire at www.bcombudsperson.ca/contact.

Youth Custody Poster

Ombudsperson investigators regularly attended B.C.'s youth custody centres and met with both staff and residents. To ensure youth in custody know about their right to confidentially contact the Office of the Ombudsperson, the office prepared and issued a new youth custody poster to be displayed in youth custody. The Case Summaries chapter of this report has examples of the Ombudsperson's youth custody investigations.

Misfire

On April 6, 2017 the Ombudsperson released *Misfire: The 2012 Ministry of Health Employment Terminations and Related Matters*. This report and its recommendations – all accepted by the government – will be covered in the 2017/2018 Annual Report.

Misfire is the first report issued by the Office of the Ombudsperson that arose from a legislative referral. Under the *Ombudsperson Act*, there are three ways for Ombudsperson investigations to be initiated. The vast majority of the office's investigations each year are the result of complaints from individual British Columbians. In addition, the Ombudsperson can investigate a matter on their own motion. The office initiates such investigations a few times a year. The third manner for investigations to be initiated is by referral from the Legislative Assembly or one of its committees.

On July 29, 2015, for the first time in the office's 36-year history, a committee of the legislature referred a matter to the Office of the Ombudsperson for investigation under section 10(3) of the *Ombudsperson Act*. The committee passed a motion to:

> ... refer the Ministry of Health terminations file to the Ombudsperson for investigation and report as the Ombudsperson may see fit, including events leading up to the decision to terminate the employees; the decision to terminate itself; the actions taken by government following the terminations; and any other matters the Ombudsperson may deem worthy of investigation. The committee trusts that his investigation can conclude in a timely manner.

On September 9, 2015, the committee unanimously approved special directions that set out in more detail the various matters related to the referral.

During the investigation almost 4.7 million records were obtained, and 130 witnesses provided evidence under oath during 540 hours of interviews.

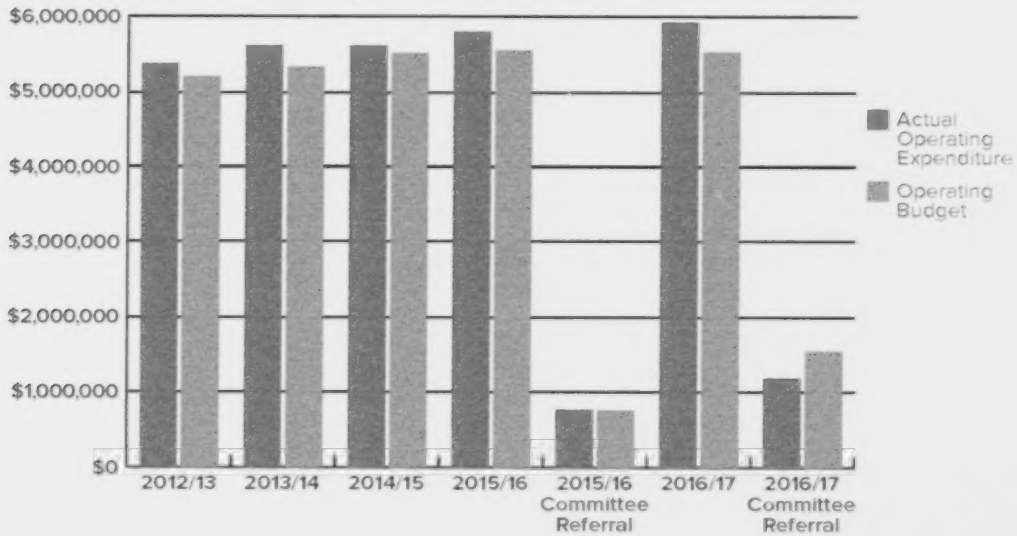
Following release of the report, the government accepted all recommendations in *Misfire* and appointed former Supreme Court of Canada Justice, The Honourable Thomas Cromwell to monitor and report on the government's implementation of the recommendations.

Download or request a printed copy of *Misfire* at www.bcombudsperson.ca.

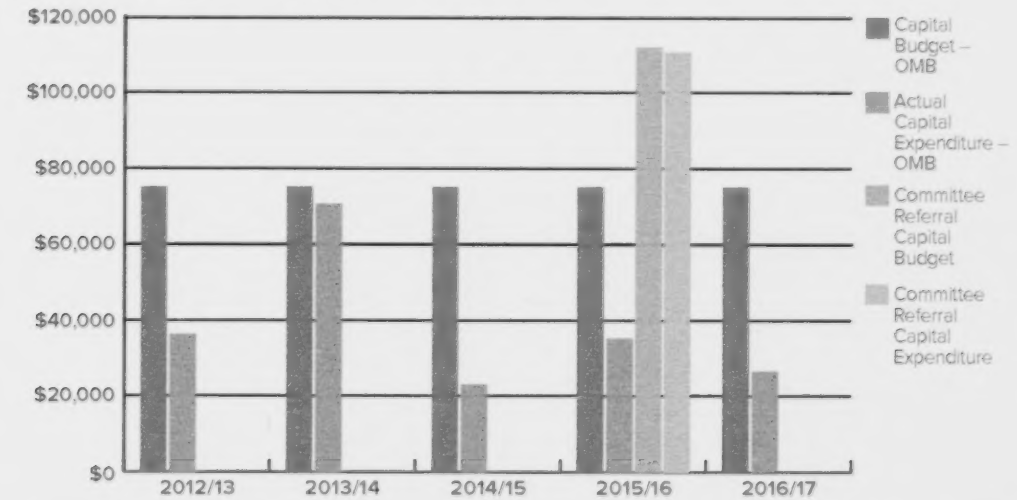
Budget Summary

The Fiscal Year 2016/2017 annual operating budget for the Office of the Ombudsperson was $5,929,000 plus an additional $1,188,000 in funding for the Committee Referral Investigation, for a total of $7,117,000. Of the 45 positions in the Office of the Ombudsperson, nine worked on the Committee Referral Investigation. There were an additional 16 Corporate Shared Services staff that provided finance, administration, facilities, HR and IT support for four offices of the Legislature which include the Office of the Ombudsperson, the Office of the Merit Commissioner, the Office of the Police Complaint Commissioner and the Office of the Information and Privacy Commissioner.

Operating Budget to Actual Expenditures by Fiscal Year



Capital Budget to Actual Expenditures by Fiscal Year



Note: In Fiscal Year 2016/17 the Committee Referral was approved as contingency funding therefore only the amount used rather than the full approval was shown in the Public Accounts.

Outreach

Outreach activities support the office's mandate and reinforce accountability to the people of British Columbia and the Legislative Assembly.

A number of outreach activities took place in 2016/2017 including:

- New posters and visits for youth in custody
- Ombudsperson tours to Prince George and the Cariboo, and the Whistler-Kamloops corridor
- Community library public awareness campaign
- Public presentations and stakeholder meetings

> "Everyone in the group was very happy and found the presentation was very informative and useful. I really appreciate your support for this program."
>
> Keiko Kikuchi, Japanese Social Work Delegation

2016/2017 Outreach Tours

Prince George, Quesnel, Williams Lake, 100 Mile House, Whistler, Pemberton, Lillooet, Cache Creek, Ashcroft and Kamloops

The Ombudsperson and staff held mobile complaint clinics in ten B.C. communities and met with local residents to hear their fairness concerns and process their complaints. During the community visits, the Ombudsperson met with local governments, school boards and other public authorities and presented to non-profit community service organizations. The Ombudsperson held a public presentation on seniors' issues in Prince George, coordinated by the Prince George Council of Seniors.

2016/2017 Outreach to Non Profit Groups and Other Organizations

- Active Support Against Poverty (Prince George)
- ASK Wellness (Kamloops)
- B.C. Council of Administrative Tribunals
- B.C. Legislative Internship Program
- British Columbia Mediation and Arbitration Institute
- Cariboo Family Enrichment Centre
- Central Interior Community Services Co-op
- Civil Service College of the Republic of Singapore (Delegation from Singapore)
- Institute of Public Administration of Canada – Victoria Chapter
- Justice Access Centre and Family Service Centre
- Kamloops Immigrant Services
- Legal Services Society – Provincial Advocates Training Conference
- Licence Inspectors and Bylaw Officers Association
- Municipal Pension Retirees Association
- North Central Local Government Association – Mayors and Regional District Chairs Roundtable
- Pemberton Chamber of Commerce
- Prince George Council of Seniors
- Seniors Services Society – Housing Counsellor Training
- Shiseido Social Welfare Foundation (Delegation from Japan)
- Southern Interior Local Government Association
- Union of British Columbia Municipalities – Annual General Meeting

- University of Northern British Columbia Graduate and Undergraduate Student Society
- University of Victoria – Graduate Level Class in Dispute Resolution
- University of Victoria Law Centre
- Vancouver Island Association of Family Councils
- Whistler Community Services Society

2016/2017 Outreach to Authorities

- Auditor General for Local Government
- BC Hydro – Customer Relations
- City of Kamloops
- City of Nelson
- City of Prince George
- City of Quesnel
- City of Williams Lake
- College of New Caledonia
- College of Physicians and Surgeons
- District of 100 Mile House
- District of Lillooet
- Insurance Corporation of British Columbia
- Island Health
- Law Society of British Columbia
- Ministry of Children and Family Development – Complaint Resolution, Delegated Aboriginal Agencies & Quality Assurance
- Ministry of Health
- Ministry of Social Development and Social Innovation – Advocate for Service Quality
- Northern Health
- Provincial Health Services Authority
- Resort Municipality of Whistler
- School District 27 – Cariboo-Chilcotin
- School District 28 – Quesnel
- School District 57 – Prince George
- School District 73 – Kamloops/Thompson
- School District 74 – Gold Trail
- Squamish-Lillooet Regional District
- Thompson-Nicola Regional District
- University of Northern British Columbia
- Village of Ashcroft
- Village of Cache Creek
- Workers' Compensation Board – Review Division, Fair Practices Office, and Workers' Advisers Office

Professional Contact with Other Ombudsperson Organizations and Groups

- Canadian Council of Parliamentary Ombudsman
- Correctional Investigator of Canada
- Forum of Canadian Ombudsman
- International Ombudsman Institute
- NorthWest Ombuds Group
- Office of the Taxpayers' Ombudsman
- United States Ombudsman Association
- Veteran's Ombudsman of Canada

> *"The conversations were extremely insightful and helped us develop a better understanding of your efforts to promote administrative fairness and 'shine light into the dark corners of government.'"*
>
> Emily Wee, Singapore Civil Service College

> "Your wide ranging experience really helped the students put many different aspects of dispute resolution in the public service into context."
>
> Dr. Norman Dolan, School of Public Administration, University of Victoria

Ombudsperson's Long Service Awards

The Ombudsperson recognizes hard work and dedication with a small ceremony each year dedicated to staff who reach five-year milestones of service with the Office of the Ombudsperson. This year, the following staff members were recognized by the Ombudsperson with long service awards:

5 YEARS

- Adam Barnes
- Aurora Beraldin
- Carly Chunick
- Shirley Bond
- Trisha Apland

10 YEARS

- Ross Barlow

25 YEARS

- Bruce Clarke

Public Service Long Service Awards

The Lieutenant Governor recognized two staff for their careers in the provincial public sector – including the Office of the Ombudsperson and other employers under the *Public Service Act*.

35 YEARS

- Kathy Bannister
- Shirley Bond

Supporting Our Community

As *B.C.'s Independent Voice for Fairness*, staff at the Office of the Ombudsperson routinely make an impact receiving and investigating complaints. But it doesn't stop there.

Away from their desks, staff are also difference-makers in the community. Each year the office supports charitable causes including the Provincial Employees Community Services Fund (PECSF).

Employees at the Office of the Ombudsperson contributed over $8500 to the PECSF campaign this year. All PECSF funds go directly to charitable organizations like the Threshold Housing Society – this year's legislative officers chili cook-off beneficiary.

Members of the Social Committee, coordinators of fun PECSF fundraising events.

In addition to the payroll deduction option, popular fundraising activities included a staff-recipe cookbook, family video digitization, and a lunch-and-learn event hosted by a staff member who had formerly served as a civilian in the NATO Afghanistan mission. During the 2016 Bike to Work Week, staff of the Ombudsperson teamed up with other "Officers of the Bicyclature" and logged over 650 kilometres thus saving nearly 150 kilograms of greenhouse gases.

Halloween Bake Sale

Staff learned about the LifeCycles Project, a community-building initiative that focuses on "health, healing and connecting people to the food they eat and where it comes from."

> *"I would like to thank you personally for your competent professionalism, patience, and understanding and to acknowledge the valuable service the Office of the Ombudsperson provides to BC citizens. I have no hesitation in stating that, without your intervention this matter would not have been successfully concluded."*
>
> Complainant – 2016/2017

The Office of the Ombudsperson

Our Vision

British Columbia's Independent Voice for Fairness

Our Purpose

- Ensure that the people of British Columbia are treated fairly in the provision of public services
- Promote and foster fairness and accountability in public administration
- Provide an independent avenue of last resort for individuals with complaints about government services

What We Do

- Respond to inquiries from the public
- Educate citizens and public authorities on issues of administrative fairness
- Conduct thorough, impartial and independent investigations of complaints
- Independently investigate apparent administrative unfairness
- Facilitate resolutions of complaints and improvements to the administration of public policy through consultation and recommendations
- Report to the Legislative Assembly and the people of British Columbia to bring attention to matters of administrative unfairness and the work of the office generally

Our Guiding Principles

HOW WE SERVE THE PUBLIC

- We are fair and impartial
- We are professional and thorough
- We listen with respect
- We seek resolutions that are principled and practical

HOW WE WORK WITHIN OUR OFFICE

- We respect and support each other as a team
- We are committed to high standards of practice in our work
- We strive continuously to improve our services
- We value the expertise and knowledge of our staff

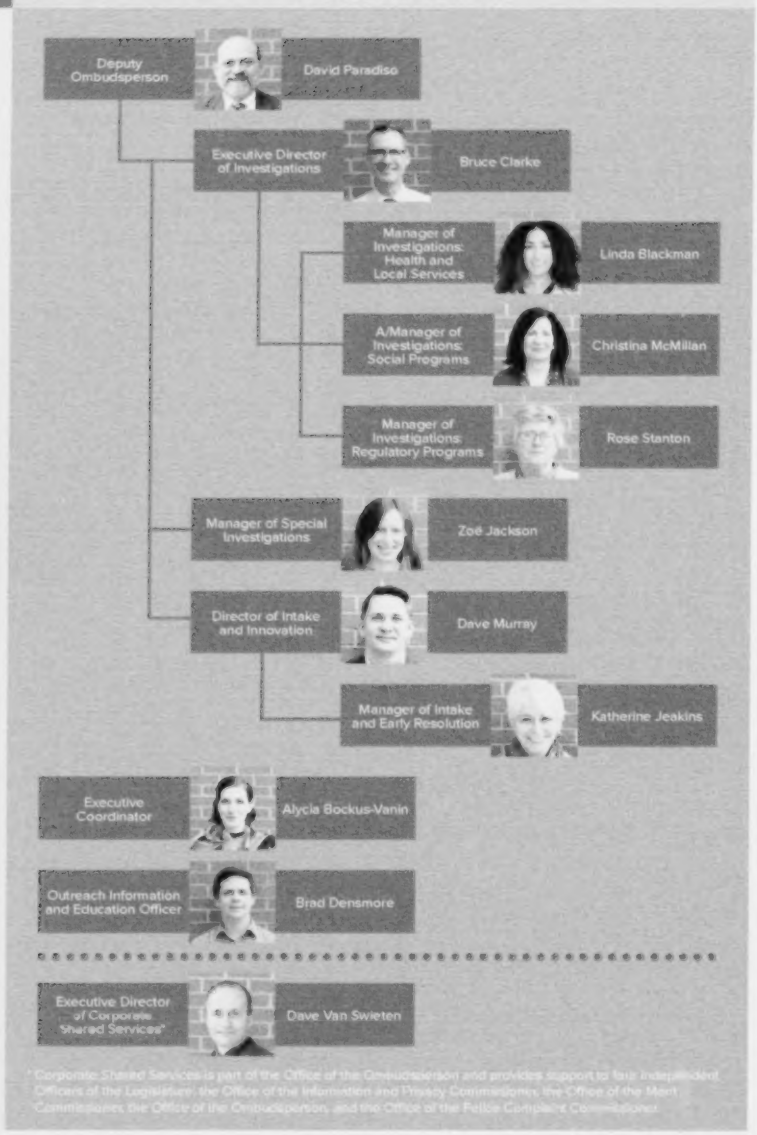
Our Goals

- People who need us are aware of our services and can access them
- Complaints are addressed efficiently
- Thorough and impartial investigations promote fair public administration
- Public authorities are supported in improving administration
- Staff are recognized for their expertise

From: 2016–2021 Strategic Plan

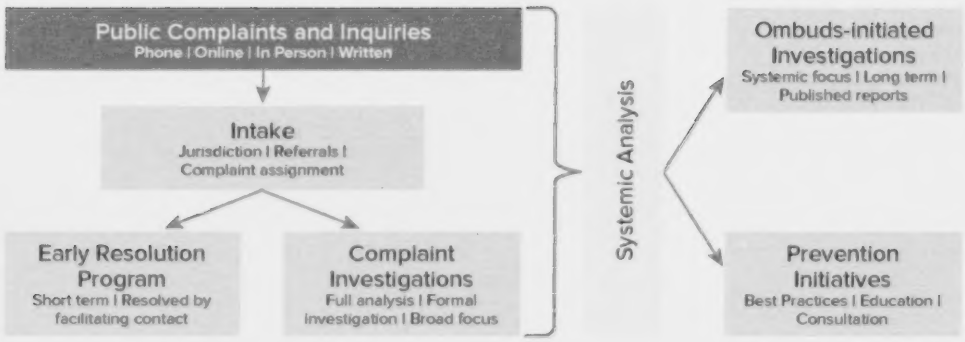
WHO WE ARE

Management Team
As of March 2017



* Corporate Shared Services is part of the Office of the Ombudsperson and provides support to four independent Officers of the Legislature: the Office of the Information and Privacy Commissioner, the Office of the Merit Commissioner, the Office of the Ombudsperson, and the Office of the Police Complaint Commissioner.

How We Assist – Our Process


Public Complaints and Inquiries
Phone | Online | In Person | Written
Intake
Jurisdiction | Referrals | Complaint assignment
Early Resolution Program
Short term | Resolved by facilitating contact
Complaint Investigations
Full analysis | Formal investigation | Broad focus
Systemic Analysis
Ombuds-initiated Investigations
Systemic focus | Long term | Published reports
Prevention Initiatives
Best Practices | Education | Consultation

What is Administrative Fairness?

Administrative fairness encompasses well-recognized principles of procedural fairness and good administrative practices. These include adequate and appropriate legal authority; functional organization and management structure; necessary and useful policies and procedures; clear and accessible public information; timely access to programs; consistent standards of practice; adequate and appropriate monitoring and enforcement; and timely and appropriate complaint resolution and program evaluation.

What We Can Investigate

Complaints of unfair actions and decisions by:

- Provincial ministries
- Provincial agencies, boards and commissions
- Crown corporations
- Local governments
- Health authorities
- School boards, colleges and universities
- Self-regulating professions and public pension boards of trustees

The list of authorities can be found in the Schedule to the *Ombudsperson Act*.

What Findings We Can Make

An action/decision/recommendation/omission is:

- Contrary to law
- Unjust, oppressive, improperly discriminatory
- Done pursuant to an unjust, oppressive, or improperly discriminatory law, regulation, direction, guideline or policy
- Based on a mistake of law or fact
- Based on arbitrary, unreasonable, or unfair procedures
- Done for an improper purpose
- Not explained with adequate and appropriate reasons
- Based on irrelevant considerations
- Improper
- Negligent
- Otherwise wrong

What Recommendations We Can Make

- Refer a matter for further consideration
- An act be remedied
- A decision or recommendation be cancelled or changed
- Reasons be given
- A practice, procedure or course of conduct be altered
- An enactment or other rule of law be reconsidered
- Any other step be taken

Our Approach

- Independent
- Impartial
- Consultative
- Resolution-oriented

Case Summaries

Overview

*Case summaries help tell some of the stories of what was achieved for individuals over the course of 2016/2017.**

The first few pages are complaints resolved through our early resolution process. This is an expedited process for matters that may be resolved more quickly. The remaining summaries briefly illustrate cases in which a formal investigation took place.

The case summaries in this Annual Report represent only a fraction of the work conducted by the Office of the Ombudsperson. They are selected from the 1,850 formal investigations and 362 early resolutions completed this year and cover a wide spectrum of complaints and investigations.

Ombudsperson investigations help resolve administrative unfairness in local government, Crown corporations, provincial ministries, health authorities and the many other public authorities. These investigations resulted in new hearings or re-assessments, access to benefits, apologies, reimbursement of expenses, improved policies or procedures and better explanation of decisions.

Public sector programs impact British Columbians across all walks of life. Anyone can make a complaint if they have been treated unfairly. These case summaries, also available online, are grouped by subject theme to reflect the wide-ranging individual circumstances that connect administrative unfairness, a complaint, and an Ombudsperson investigation.

Guidance Reports

Extended Case Summaries

For 2016/2017, several new extended summaries have been added in addition to the traditional vignettes. While certainly not as exhaustive as a standalone report to the Legislative Assembly, the longer-form summaries also serve as a practical reference – a kind of guidance report for authorities and others who may wish to look back at particular details of a complex investigation to understand the decisions reached and lessons learned.

* Readers are reminded that all the names in our case summaries have been changed to protect the privacy of individuals.

Early Resolution

Keep the Engine Running

TRANSPORTATION INVESTMENT CORPORATION

THE INTERIOR

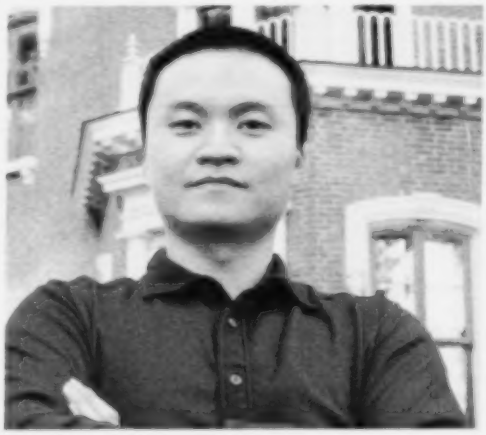
After standing in line to renew his driver's licence, Omar was told it would be withheld until he paid his $2500 bill for unpaid toll fees.

A business owner with many vehicles, Omar was not specifically aware of any outstanding debt and certainly did not anticipate losing his driving privileges.

Omar contacted TReO and found the cause: some of his vehicles were associated with an account that had been set up with an incorrect mailing address and name. Consequently, Omar did not receive multiple bills, or pay them within the 90-day window allowed.

Given that $2500 was a substantial amount, Omar asked for another 90-day grace period to pay the lump sum. TReO declined and refused to remove the ICBC hold. At a loss, Omar came to us.

We said that we would try to arrange to have a manager call Omar to discuss what appeal options were available to him. As a result of our inquiries, a manager called Omar and discussed a more lenient payment arrangement. When we followed up with Omar, he had been given 90 days to pay.



Pick a Cup, Any Cup?

REVENUE SERVICES OF B.C.

VANCOUVER ISLAND / SUNSHINE COAST

After doing his taxes, Bob sent the $2000 he owed from his online account. Soon thereafter, Bob realized there had been a mistake.

Rather than paying "Revenue Canada," Bob had accidentally sent his funds to "Revenue Services of B.C." – the similarly named, and unaffiliated, collections arm of the province.

Like many people, Bob would pay Revenue Services of B.C. to settle his Medical Service Plan premiums. RSBC also handles other funds payable to the province.

After asking his bank for help without success, Bob called Health Insurance BC about his apparent $2000 MSP overpayment. Despite him making several calls, HIBC could not find anything on Bob's file. There was no overpayment. His money was not there. Alarmed, Bob contacted us.

We put Bob in direct contact with the most relevant authority: RSBC.

RSBC noted that it had placed Bob's funds into his land tax deferment account, out of sight from HIBC. As a result of our inquiry, the authority contacted Bob to tell him his funds would be returned in the form of a printed cheque.

Bob called us back the same day saying he was impressed how we helped him within the hour, before he even got home. Furthermore, Bob said that the prompt and pleasant service he received from RSBC erased all the negative feelings he had about his taxing experience.

Open for Business

BC HYDRO AND POWER AUTHORITY

THE LOWER MAINLAND

Harold, a business owner, came to work and saw a note posted on his restaurant door. BC Hydro was notifying property owners of a planned power outage to occur during regular business hours.

Concerned about the potential loss of business and lack of prior notification, Harold contacted BC Hydro and was told someone would be in touch to discuss his concerns.

After waiting without a call back, Harold called us.

Through our early resolution process we confirmed BC Hydro was looking into the matter and would be responding to Harold shortly.

When we followed up with Harold the next day, he said BC Hydro had consulted with him and the other business owners and had moved the planned power outage to a more suitable time the following week. Harold thanked us and said he really appreciated our help.

Making the Request

HEALTH INSURANCE BC

THE NORTH

Duncan was reviewing the guidelines for Medical Services Plan premium assistance. Given his low income, Duncan figured he should have long-since qualified.

Duncan had contacted Health Insurance BC (HIBC) to request assistance. In fact, he had called several times, believing HIBC would look into his eligibility. Unfortunately, Duncan never received a response to his calls or a decision regarding his eligibility.

Finally, after two years, Duncan spoke to HIBC again and received some news: his account had been flagged, he had a credit of $690, and he did not need to pay more. Nevertheless, Duncan could not get a clear answer: Had he actually been approved for premium assistance? Would he have to keep calling?

Looking for a concrete resolution, Duncan contacted us. We agreed to help and inquired with HIBC about his qualification.

HIBC reviewed Duncan's file and made adjustments so that, going forward, Duncan would be premium-free. Additionally, HIBC placed a credit of $900 on his account, payable to Duncan, in the form of retroactive partial premium assistance. Then HIBC formally followed up with him directly.

Soon thereafter, Duncan called us to say thank-you. After waiting so long, he was pleased with the quick resolution we were able to help with.

Fax Complications Too?

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE INTERIOR

Several months after surgery, Margaret was unfortunately having complications. To make matters worse, the medical specialist she needed to see practised in a town over 500 kilometres away.

Worried about the cost of long-distance travel, Margaret requested a medical transportation supplement from the ministry eleven days before her appointment. When she followed up with the ministry five days before her appointment, she was told it had not received her information. Margaret needed to fax the information again.

Margaret faxed her information again only to be told the ministry had not received her second fax either.

Margaret called us with only two business days left to her appointment.

Through our early resolution process, we were able to connect Margaret with the right person at the ministry that same day.

When we followed up with Margaret, she said that everything had been worked out and there would be a transportation supplement cheque ready for her to pick up just before her appointment. Margaret said she really appreciated the help.

Answers to a Tragedy

CORONERS SERVICE

OUT OF PROVINCE

After Janet's brother was unexpectedly found deceased in his apartment, the Coroners Service commissioned a toxicology report to determine the probable cause of death.

In the months that followed, Janet left two phone messages with the Coroners Service. What was the result?

After her messages went unreturned, Janet called us. It had now been six months since her brother died and she was anxious to know what had occurred.

As a result of our inquiry, the Coroners Service committed to check the status of the toxicology report and promptly follow up with Janet.

When we called Janet a couple days later she had already spoken with the Coroners Service. She had the information she needed to understand her brother's tragic circumstance and said the resolution the answer brought her was comforting.

I'm Not Paying That!

MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS

THE INTERIOR

Ian applied for extra water rights and, after checking with the ministry that it was refundable, enclosed the $600 application fee.

After some time, Ian's water rights application was rejected. Consequently, Ian asked for his refund, and to his surprise, the ministry refused: there was a policy against refunding unsuccessful applications.

Ian wrote to the ministry explaining he was led to believe refunds were allowed when he made his application. Had he been made aware of any no-refund policy, he would not have made the application.

Concerned that the ministry was not listening, Ian soon decided to stop paying his water licence fees. The ministry then threatened to cancel his existing water rights if he did not settle his account. Around this time, Ian contacted us.

When we contacted the ministry, it was already working on a response to Ian's letter. We continued to monitor the situation and, about one week later, we received a copy of the completed response – Ian was getting his refund and his water licence was again in good standing.

After deducting what he owed in unpaid licence fees, Ian was getting $420 back. We followed up with Ian and relayed the good news – he was very pleased with the outcome.

Investigative Case Summaries – Children and Youth

The Dentist Is In

MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT

THE LOWER MAINLAND

Zach, a teenager living independently on a Youth Agreement, asked the ministry for financial support for dental care. After several weeks passed without a decision, Zach contacted us in significant pain – he needed his dental issues addressed soon.

We investigated right away. The ministry explained that Zach had recently seen both a dentist and an oral surgeon and an appointment with an orthodontist was pending. The ministry was waiting for its dental insurer to process the claim estimate and approve the over-limit funding needed for the dental work. The ministry had not yet inquired into the disposition of the insurance applications, so we asked them to do so, noting the delay. The ministry agreed and followed up that day.

The ministry determined that there had been a misunderstanding – one of the over-limit applications for Zach's dental work had not

been made. By coordinating with both the dental office and the insurer, the ministry took immediate steps to rectify the problem and the application was submitted to the insurer the same day.

Zach's social worker then called him to explain what had happened. We followed up directly with Zach who said that he was satisfied that the problem had been addressed and that he was going to have his dental issues dealt with soon.

Permission to Get Paid

MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT

VANCOUVER ISLAND / SUNSHINE COAST

Peter provided child care services from his home. He had completed forms with the parent he provided child care services for and understood the parent would send them to the Child Care Subsidy Program so that he would be paid.

After not being paid for several months, Peter called the ministry a number of times. Each time, he was directed back to the parent and the ministry declined to speak about the account. Frustrated at the lack of a substantive answer and that he still had not received payment, Peter contacted us.

Our investigation revealed that the parent had not submitted the registration form for Peter's child care services, nor had the parent submitted monthly claim forms, as Peter had believed. The ministry did not err in delaying payment – Peter was never added to the parent's confidential file.

As Peter was not added to the parent's file, the program could not share any information with Peter when he called.

As a result of our investigation, the program agreed to review Peter's claim pending the required documentation. The ministry also provided a designated contact person for Peter to forward the documentation to. Once Peter understood what information was required and the steps he needed to take, he quickly contacted the parent and, together, they submitted the necessary forms to their new contact person. The program then paid Peter for his service.

Peter thanked us for the assistance we provided for both navigating the payment process and facilitating a resolution of his specific case.

What the Left Hand Is Doing...

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE LOWER MAINLAND

Sandy, a single parent with two children, had lost her job and could not make ends meet. While she had some help from her religious community, rent was due and she urgently needed funds to avoid eviction. Sandy applied to the ministry for income assistance and submitted documentation to demonstrate her eligibility. Hearing nothing back, Sandy followed up only to learn her file had been closed due to documentation issues. Sandy believed she gave the ministry everything she could, and was in urgent need, so she did not understand why her application was not processed. With no further response from the ministry, and an eviction notice for her family, Sandy called us.

When we contacted the ministry we learned that it had flagged Sandy's financial documents that showed deposits into her bank account and needed further information to determine her eligibility. Sandy told the ministry that she had received some money from her church community. However, the ministry would not accept without documentation that the bank deposits were gifts from her church community.

Given Sandy's urgent need for assistance the ministry agreed to reopen her file immediately. In response to our investigation, the ministry told Sandy what kind of documentation they would need and agreed to accept letters from Sandy's friends at church who had helped her. The church community sent letters and the ministry approved her application for income assistance and immediately provided Sandy with the funds she needed to avoid eviction for her family.

Small but Important

BURNABY YOUTH CUSTODY SERVICES CENTRE

THE LOWER MAINLAND

Matthew, a youth in custody, discovered that his belongings had been misplaced when he had to quickly leave his unit. The missing items included his personal hygiene products and family pictures. Matthew told centre staff about his missing belongings, but he called us when he did not believe centre staff were looking into his concern.

We reviewed the centre's records and spoke with a centre official who told us that Matthew's belongings had been thrown out during cleaning. Our investigation determined that centre staff had not taken steps to address that Matthew's belongings had indeed been lost.

The centre arranged for replacement personal hygiene products to be provided to Matthew and agreed to speak with him about his lost family pictures. When we followed up, Matthew had reported that he was satisfied his concerns were resolved as a result of steps the centre took to respond to our investigation.

A Sensitive Reminder

PRINCE GEORGE YOUTH CUSTODY SERVICES CENTRE

THE NORTH

Tom, a youth in custody, was unhappy with the treatment he received during a routine search. Having only recently recovered from a broken ankle, Tom believed that a corrections official purposefully kicked at his ankle during a pat frisk knowing it was still sensitive. Tom called us from the centre with his complaint.

We interviewed staff, reviewed medical records and analyzed video footage of the incident. We were satisfied that the pat frisk was conducted in a manner that was in accordance with policy. However, we noted that the centre's electronic charting system did not alert corrections staff to the nature or location of Tom's injury. Given that Tom's medical files clearly indicated he was still recovering from an ankle injury, and that precautions were required, we asked whether the centre could include medical precautions in their electronic alerts going forward. The centre agreed to make this change, and as a result of our investigation, information will be added to the centre's charting system to alert staff to specific injuries or sensitivities that residents like Tom might have as a result of a medical condition.

Investigation: In Depth

Separate Confinement of Youth in Custody

BURNABY YOUTH CUSTODY SERVICES CENTRE

THE LOWER MAINLAND

Executive Summary

We received complaints from two youth custody residents who believed they were being unfairly separately confined. Following our investigation, we raised concerns that the Office of the Provincial Director and the Burnaby Youth Custody Services Centre (the centre) did not appear to be acting in accordance with the statutory and policy requirements for the separate confinement of youth. We noted that the centre had not evaluated whether separate confinement continued to be necessary for the two complainants, nor did it document any consideration of alternatives to separate confinement to address any safety or security issues.

As a result of our investigation, the Office of the Provincial Director agreed to address the matters of procedural unfairness we identified. The Provincial Director provided an overview of the steps being taken to ensure that the Office of the Provincial Director, and the centre, would comply with the *Youth Custody Regulation* and the Manual of Operations for youth custody programs going forward. The two youth received a letter of apology.

Investigation Details

Two youth custody residents contacted us, concerned that the centre had been improperly housing them in separate confinement for longer than was permitted. The records we obtained through our investigation indicated that Complainant A was separately confined for a total of approximately 170 hours and Complainant B for 185 hours.

The *Youth Custody Regulation* permits the centre to separately confine a youth for up to 72 hours if all other means of dealing with a safety or security issue have been exhausted, or are not reasonable. Any separate confinement longer than 72 hours must be authorized in writing by the Provincial Director of Youth Custody. Given the potentially severe impact of separate confinement on youth, legal requirements and policy directives have been developed to provide safeguards and limit the use of separate confinement.

When using separate confinement, custody centres and youth justice staff must comply with the Regulation and the procedural requirements in the Manual of Operations for Youth Custody Programs (the Manual).

Our investigation revealed a number of procedural flaws suggesting that both the centre and the Office of the Provincial Director had not acted in a procedurally fair way with respect to the separate confinement of the two complainants. In particular, the responses and records we received from the centre did not indicate that any alternative measures to separate confinement were considered or that separate confinement had continued to be necessary for the entire duration the youth were separately confined. In particular, we identified the following practice issues:

- *Section D. 6.04 of the Manual requires that upon the commencement of a separate confinement a senior youth supervisor must initiate a behaviour support plan to assist the youth's reintegration to regular unit activities.*

During our preliminary conversations with the centre, we were advised that behaviour support and reintegration plans were not created for the two complainants because the staff did not believe that the youth could handle long-term planning. We were also told that, due to challenges the centre was facing at that time, there were instances where it had determined that it was not practical, or possible, to comply with Section D of the Manual. The records we collected confirmed that, indeed, no behaviour support planning documentation had been completed for the complainants and the centre had not complied with the Manual.

- *The Youth Custody Regulation specifies that the Provincial Director must approve each consecutive period of separate confinement beyond 72 hours. Section D. 6.10 of the Manual provides direction as to when the Provincial Director may extend a separate confinement beyond 72 hours, and specifies that the youth's individual circumstances and subsequent reviews must be considered when making that decision.*

During our review of the records we identified an email from centre staff to the Office of the Provincial Director requesting approval to extend at least seven individual separate confinement orders for various youth on separate confinement, including the two complainants. The records indicated that the approval to separately confine the two youth who made complaints to our office beyond 72 hours was sent less than 30 hours after the commencement of each youth's separate confinement. The request did not specify the length of time for which the extensions were sought or provide any reasons that would explain why the separate confinements continued to be necessary. Further, the Provincial Director's approval was made without the benefit of any of the future required reviews and did not clarify the time frames or set a reassessment date as required by the Manual.

- *Section 13(2) of the Youth Custody Regulation limits the amount of time that a young person may be separately confined and specifies that a youth may not be separately confined for longer than is necessary to address the reasons for the separate confinement.*

As it did not appear that the centre had made behaviour support plans to support the youth in their reintegration to regular unit

activities, and because it appeared that BYCS staff had, with the support of the Provincial Director, predetermined that the youth should continue to be separately confined without following the steps required, we had concerns that the centre was not following a fair process. This was also concerning to us because separate confinement – isolating a youth from their peers – is an extraordinary measure that may significantly affect the well-being of a youth and demands particularly careful consideration.

It was unclear whether there continued to be a basis for the separate confinements that would meet the criteria in the Regulation. The records indicated that although the two complainants cooperated with the centre and agreed to behave, their separate confinements were continued. Additionally, they were given behaviour expectations to meet before they would be released from separate confinement that were not relevant to the separate confinement criteria in the Regulation.

Investigation Outcome

We asked the Provincial Director to review the concerns we raised and provide a summary of the steps that would be taken to correct practices within the centre as well as at the Office of the Provincial Director to ensure compliance with both the Regulation and the Manual. The Provincial Director agreed and in response, we were provided written confirmation of the practice shifts that were underway within the centre and at the Provincial Director's Office to support adherence to the Manual and the Regulation. Specifically, the Provincial Director outlined the following:

- a new template form for reviews of separate confinements would be developed for staff use;
- all separate confinement paperwork would be reviewed for accuracy and timeliness at the daily supervisory staff meetings;
- the Office of the Provincial Director was developing a new prescribed template to incorporate feedback from health care professionals for the purposes of informing the Provincial Director's decisions regarding whether to extend separate confinement over 72 hours;
- random audits would be conducted to ensure all youth are advised of the reasons why they are on separate confinement and what is expected of them regarding their behaviour;
- staff would adhere to policy as it pertained to separate confinement and that letters of Expectation/Discipline would be forwarded to those not meeting policy expectations regarding reviews and/or documentation with regard to separate confinement of youth;
- the Office of the Provincial Director would act in accordance with the Manual when authorizing continued separate confinement of youth for more than 72 hours; and
- apology letters would be provided to the complainants and other youth who were improperly separately confined.

Most importantly, we received confirmation that the Office of the Provincial Director and the centre would ensure full compliance with the Regulation and the Manual when using separate confinement in the future. Based on the Provincial Director's commitments and the apology letters that were sent to the youth, we concluded that the two complaints were settled. Given that the issues raised through these complaints were significant, we remain interested in the steps being taken to address them and will continue to monitor the use of separate confinement at the Burnaby Youth Custody Services Centre.

Triaging Prison Healthcare

SURREY PRETRIAL SERVICES CENTRE

THE LOWER MAINLAND

Believing his cough had progressed to pneumonia, Jeff requested medical attention. He was coughing up blood. After several days without a medical appointment, Jeff contacted us and we responded on a priority basis later that day.

Fortunately, Jeff had been seen by the centre's nurse that same day. Nonetheless, we still had questions. We continued our investigation, confirming that Jeff had submitted three health care requests over five days before finally receiving medical attention.

The nurse booked Jeff to see the doctor the following day. We received the diagnosis – pneumonia, as Jeff suspected. Jeff was immediately put on a treatment plan and received a chest x-ray to determine how far the pneumonia had progressed.

Jeff happily reported to us a few days later: he was much better. Once Jeff received medical care his condition improved.

The centre explained the delay in Jeff's care, noting that the centre receives around 100 health care requests each day. It was a lot to go through. Other inmates sent multiple requests before Jeff, leading to Jeff's first three requests going unreviewed until medical officials caught up five days later.

This first-come-first-serve process seemed inconsistent with the effective provision of health care. The centre agreed, promising to more proactively screen health care requests based on need. Now, nurses will review requests as they come in and process the urgent ones first. If more time remains in the nurse's shift, they will then process the non-urgent requests. At the end of the day, the non-urgent requests will then be organized by date submitted, so they can be processed in order during the next shift after any new urgent ones. We expect that these adjustments will result in potentially urgent healthcare situations like Jeff's being more consistently identified and responded to on a priority basis.

Documenting the Path for a Transgender Inmate

SURREY PRETRIAL SERVICES CENTRE

THE LOWER MAINLAND

Karen, a transgender woman, was understandably upset when she was placed in the Surrey Pretrial Services Centre – an all-male facility.

In B.C., inmates are no longer assigned to correctional centres on the basis of their birth gender alone. Rather, recent changes to the ministry's Adult Custody Policy mean authorities place inmates in facilities consistent with their gender identity – unless there is a security-based rationale for not doing so.

Karen contacted us from the centre and we investigated, looking both at the decision to place Karen in a male facility, and at the steps being taken to accommodate her as a female.

We were encouraged to learn that Karen's placement at a male centre had been the subject of discussion at senior levels of the ministry. Karen's placement at Surrey Pretrial was partially in response to concerns raised during Karen's prior incarceration as one of the first transgender inmates at the Alouette Correctional Centre for Women.

What was less encouraging, however, was the lack of written summaries documenting the senior-level discussions and decision making relating to Karen's placement at Surrey Pretrial.

While Karen was frustrated with the challenges of her gender-inappropriate setting, we noted efforts made by the centre to both communicate openly with Karen about her needs and to arrive at some practical solutions. To that end, we communicated regularly with both Karen and the centre to confirm efforts to accommodate her as a female in a male facility. The centre provided Karen with gender-appropriate personal effects and canteen items not usually available.

Five months later, Karen was transferred to the Alouette Correctional Centre for Women. This decision did resolve Karen's concern about gender-inappropriate placement. But, again, the ministry lacked sufficient documentation of the case conference process and of the factors considered and weighed in making the decision to transfer Karen to Alouette.

We raised our concerns with the ministry, which agreed to review and improve the documentation procedure for decisions, like Karen's placement, which are made at senior levels.

Karen was relieved when the transfer decision was ultimately made, placing her at the Alouette Correctional Centre for Women.

What I Thought I Heard

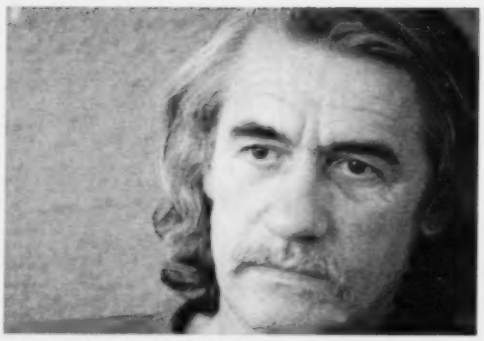
NORTH FRASER PRETRIAL CENTRE

THE LOWER MAINLAND

While being held in segregation, Colin believed he overheard something inappropriate occur at a cell nearby involving a staff member and an inmate. Colin took his concerns to both the centre and to the Investigation and Standards Office. After being told each time that he lacked evidence to support his allegations, Colin contacted us.

We agreed to investigate, and reviewed both the centre's investigation records involving Colin's complaint and the investigation process at the centre more generally. The evidence we reviewed supported the centre's conclusion that no inappropriate conduct occurred. It appeared Colin's allegations were unfounded.

We did, however, have concerns about the way the centre investigated Colin's complaint. Specifically, we looked at the centre's procedures. We suggested the centre could amend its procedures to



ensure that a series of steps were followed consistently. The centre agreed and promptly revised its Inmate Complaint Procedure to clearly set out the steps to be taken and the evidence to be retained when inmates make a complaint about staff.

Although Colin did not get the results he wanted, we were satisfied that the changes made would improve the correctional centre's investigative process and accountability going forward – for all inmate complaints.

Investigative Case Summaries – Driving

On the Right Side of the Bed

INSURANCE CORPORATION OF BRITISH COLUMBIA

THE INTERIOR

Leah was injured in a car accident. Already quadriplegic from a prior accident, Leah received disability assistance and supplements that included a special medical bed that helped with her medical condition. Unfortunately, the bed was old, broken and no longer fully met Leah's medical needs after the latest injury. Leah asked the Ministry of Social Development and Social Innovation for a new bed, but it declined, explaining that Leah could seek funds from ICBC's insurance claim process instead.

With the support of her physician, Leah asked ICBC to buy her a new bed that met her medical needs.

When ICBC denied Leah's request for a new medical bed, Leah went to the ICBC Fairness Commissioner. The Commissioner told ICBC to make a new decision on the basis of medical evidence.

An occupational therapist conducted an assessment of Leah for ICBC, confirming that Leah's most-recent injuries would benefit from a new bed. Next, ICBC offered to split the cost of the bed with Leah 50-50. Without funds to split the cost, Leah did not understand why ICBC would not pay the full amount. Leah contacted us and we began an investigation.

We were concerned that the reasons ICBC gave Leah did not reference any law, regulation or policy. ICBC did not clearly explain its decision-making process.

Investigating the entire accident claim, we noted that ICBC did not apportion any of Leah's other benefits 50-50. We also asked if ICBC had considered some recent case law that we noted was relevant to Leah's request. ICBC acknowledged that the decision to pay only half of the bed's cost was not consistent with this current interpretation of the law.

In response to our investigation, ICBC explained the processes managers use to stay up-to-date on case law and policy changes. ICBC policy states that decisions to deny benefits must be discussed first with a manager. Our investigation determined the decision to split the cost of Leah's bed was likely not discussed with a manager and, consequently, case law was not fully considered.

After reviewing Leah's request in light of the new case law, ICBC agreed to fund the entire bed and contacted Leah to make arrangements for its purchase and delivery.

Leah was happy and relieved when her new bed arrived.

The Bus Stops Here

BC TRANSIT

VANCOUVER ISLAND / SUNSHINE COAST

Before moving, Val asked her future landlord whether her new home was serviced by handyDART. Val relied on handyDART to get around. The landlord told her that handyDART drove right past her house. Val proceeded with the move believing there would be handyDART service available at her new home.

After Val moved, she applied for service and received some upsetting news. Her home was not in the handyDART service area: she would not be receiving service. Val asked: why her neighbour and not her? To Val, it seemed grossly unfair.

The transit authority explained to Val that her neighbour had been "grandparented in" when the service area boundaries had changed. Folks who moved after the boundary change were unfortunately denied service.

Unwilling to watch the bus pass her by, Val contacted us. We launched an investigation

and the transit authority responded. There had been some miscommunication. Boundary changes were being discussed but no changes had been made. Val was in the handyDART service area.

The transit authority contacted Val directly with the good news. We followed up too. Val told us she was happy with the outcome and was looking forward to her first ride. Like her neighbour, she could now access handyDART service from her home.

Parking Ticket Adjudication

CITY OF VANCOUVER

VANCOUVER

After parking her car, Carole opened her PaybyPhone app to pay the meter online. Unbeknownst to her, a technical issue prevented the payment from going through and Carole returned to her car to find a parking ticket. She took it to adjudication.

At the hearing, Carole presented evidence of her attempt to pay for parking using the app. Afterward, the city responded in writing, informing Carole that an adjudicator decided in the city's favour. Carole would have to pay the fine plus a $25 administration fee.

Reading the letter, Carole believed the adjudicator failed to fairly consider her evidence. As a last resort, Carole came to us.

At the hearing, Carole was offered an opportunity to submit evidence to support her position and could present further evidence and challenge the city's evidence presented during the hearing.

Our investigation determined Carole's evidence was fairly considered and the decision was made on "a balance of probabilities" that the contravention had occurred, consistent with the *Local Government Bylaw Notice Enforcement Act*.

It appeared the adjudicator followed a reasonable process when adjudicating Carole's parking ticket. However, we were concerned that the decision letter did not include reasons for the adjudicator's decision. We asked the city to provide Carole with a copy of the statement of reasons from the adjudicator and suggested the city make the statement of reasons available to all people whose parking ticket appeals are denied at adjudication. The city agreed to both suggestions. We informed Carole of the result.

Is a Longstanding Name a Legal Name?

INSURANCE CORPORATION OF BRITISH COLUMBIA

VANCOUVER

Executive Summary

The Office of the Ombudsperson has received and investigated multiple complaints regarding ICBC's naming protocol for B.C. driver's licences. Our investigations into these various naming concerns highlight the importance of recognizing when an individual has unique circumstances that warrant deviating from a strict application of the rules set out in a policy or procedure manual. Often, there is good and equitable reason to make an exception to the rules or standard practice. As a result of our investigations, ICBC agreed to modify its process to allow flexibility and accommodate individuals including those who wished to keep their longstanding English names.

The Investigations

Complaints about names on driver's licences that we investigated include ICBC disallowing the English names some immigrants had previously used for decades on previous ICBC-issued licences, not allowing drivers to use their full legal names on licences, and requiring a person to adopt their spouse's generational suffix after marriage.

This extended summary looks at four of the English name complaints and one full legal name complaint. For our investigation into the use of a spouse's generational suffix, see *Jr. by Marriage* at page 34 in our 2015/2016 Annual Report.

Sam, Ross and Laurie all immigrated to Canada 30 to 50 years ago and adopted English given names. These names were put on the back of their Canadian citizenship cards, or on their commemorative citizenship certificate. On the front of their Canadian citizenship cards were the names from their countries of origin. Alice immigrated to Canada as an infant and her Canadian citizenship card showed Aliz "Alice" Kovacs.

The use of these English given names was not merely a preference by Sam, Ross, Laurie and Alice. When they began living in Canada, their ability to adopt a different English given name was supported by various institutions. ICBC and other government bodies accepted their English names and issued identification cards under that name.

Sam had gone to ICBC to renew his licence and wanted ICBC to change the order of the names on his licence from Yong Sam Wu to Sam Yong Wu to have his English name first and to match up with his name with Health Insurance BC for the new B.C. Services Card. After reviewing Sam's Canadian citizenship card, ICBC refused to change the order of Sam's name and would only issue a driver's licence in the name Yong Wu.

Ross, Laurie and Alice had also gone to ICBC to renew their driver's licences and were told that ICBC would no longer allow them to show their longstanding English names either. They didn't understand why ICBC was now refusing to let them use a name which ICBC had used for several decades. Their English names were on their pensions, SIN cards, bank accounts, and other property and memberships. This was going to lead to great confusion and headaches, especially because of the recent changes to the B.C. Services Card.

For Alice, ICBC now wanted to use only the Hungarian form of her given name, Aliz, on the Canadian citizenship cards. For Sam, Ross and Laurie, ICBC wanted to use the names from their birth countries as shown on the front of their Canadian citizenship cards and ignore the English name Citizenship and

Immigration Canada used on the back of the cards or on commemorative certificates.

ICBC told Sam, Ross, Laurie and Alice that if they wanted to keep using their English names on their licences that they'd each have to pay to get legal name changes done. Ross was particularly worried about the cost of legal name changes because he had several family members in the same circumstances.

Sophie experienced a different problem with her driver's licence. While her birth certificate showed her name as *Marie Therèse Annick Sophie Bellem*, she had always been known by her fourth given name. No one in her community knew her by a name other than Sophie.

When she moved to B.C. from Quebec several decades ago, her driver's licence had always shown Sophie as one of her given names if not the only given name shown. ICBC would now only show *Marie Therese Annick Bellem* on her licence. ICBC told her its computer system had two limitations regarding name length: The system could only accommodate three given names, and the total number of characters could not exceed 35. While Sophie's names were under 35 characters, the fourth name – *Sophie* – would not be included.

Sophie had the same worries and headaches as Sam, Ross, Laurie, and Alice with property, pharmacy and health care records being in the name ICBC would no longer show on her licence.

Sam, Ross, Laurie, Alice and Sophie contacted our office with their concerns about ICBC changing the names that appeared on their driver's licences.

ICBC has legislative discretion to determine what it considers satisfactory proof of identity. Using this discretion, it has decided to use either Canadian Birth Certificates or certain documents issued by Citizenship and Immigration Canada, for example, Canadian citizenship cards. These documents are a good start to figuring out what a person's legal name is.

Considering that B.C. driver's licences and photo B.C. Services Cards are now primary identification documents, it is reasonable for ICBC to want to make sure that the name on those cards is a person's legal name. It is also reasonable for ICBC to want to list a person's given names in the order that they appear on these foundation documents.

ICBC made the decision to change its practice for what name would appear on B.C. driver's licences when it helped to develop an inter-agency policy document that tried to standardize legal naming conventions across provincial government authorities. One of the reasons for the move to standardization was to reduce the opportunity for someone to maintain multiple identities. ICBC changed its practice to enforce a "one person, one identity" mandate. It claimed the stricter identification measures reinforced the integrity of the B.C. driver's licence as a means of confirming a person's identity.

We were concerned that by removing Sam, Ross, Laurie, and Alice's English names from their licences, and by removing Sophie, it appeared ICBC's practice may have an effect opposite to the purpose for which it was established. ICBC was now providing Sam, Ross, Laurie, Alice and Sophie with identity cards in a name that did not exist on their

other cards or Canadian passports. ICBC also didn't seem to consider that the names Sam, Ross, Laurie and Alice appeared on their Canadian citizenship cards.

Outcome

ICBC agreed to amend its processes to allow a subset of existing ICBC customers to keep their longstanding names as they appear in ICBC's historical database where the English name also appeared on Canadian Citizenship Cards.

For Sam, the new process meant ICBC would continue to issue a licence showing his name as Yong Sam Wu. ICBC's new process applied to Ross and Laurie, had similar results.

For Alice, ICBC considered her unique circumstances and slightly altered the new process to allow her licence to show the names on her Canadian citizenship card without the quotation marks, *Aliz Alice Kovacs*. Recognizing the unique circumstances of an individual and modifying a standard process for a good reason is also part of a reasonable process.

Sam, Ross, Laurie, Alice, and their family members, were happy that their English names would still appear on their B.C. driver's licences under ICBC's new process. In addition to helping Sam, Ross, Laurie and Alice, ICBC implemented the new process province-wide a few weeks later.

ICBC also agreed to develop a special process to consider B.C. citizens with more than three given names who are known by a given name after the third. Recognizing Sophie's special cultural circumstances and the hardship of removing the one legal given name she used in the community, ICBC allowed an exception to their policy for names to be in the same order as on a birth certificate. Sophie's licence would show *Marie Therese Sophie Bellem*, and ICBC dropped her third given name. About a month after this new process was brought into effect, ICBC reported to us that it was used for another person with similar circumstances.

Thanks to Sam, Ross, Laurie and Alice having brought their complaints to us, other ICBC customers who have longstanding English names in ICBC's licensing database will be able to keep that name on their B.C. driver's licence so long as the name is supported by certain Citizenship and Immigration Canada documents. Thanks to Sophie, other ICBC customers with more than three given names and who don't use the first three names can ask ICBC if they meet the criteria to have an exception and show the legal given name that they do use appear on their licence.

Anyone who has found themselves in the same situation as Sam, Ross, Laurie, Alice or Sophie in the recent past is now able to attend an ICBC office to ask to have their licence changed.

Investigative Case Summaries – Education

Rehabilitating an Appeal Decision

STUDENTAID BC

THE LOWER MAINLAND

Having been accepted into a post-secondary education program, Steven needed to pay for books and tuition. Like many students, he applied for a government-backed loan from StudentAid.

Unfortunately, Steven was told he was ineligible for a loan due to the results of a credit screening which showed a problematic debt dating back several years. Steven appealed the decision, providing additional information to explain his unique financial circumstances at the time. A few weeks later, Steven received another letter seemingly identical to the first. Not only did the letter not address the new information Steven presented, it did not provide Steven any way to address the concerns raised about his historical debt. At a loss, Steven contacted us.

Through investigation, we learned that StudentAid did not believe Steven's circumstances warranted an appeal. Steven, StudentAid said, had not provided information to demonstrate attempts at financial rehabilitation – steps he may have taken to responsibly address his historical debt.

It appeared StudentAid did not provide Steven the list of documents required for an appeal, nor had they explained to him how one might demonstrate financial rehabilitation. As a result, we discussed with StudentAid the importance that decision makers provide clear information and reasons for their decisions. In response to our investigation, StudentAid reconsidered the decision and allowed Steven's appeal to be heard. StudentAid also agreed to ensure that adequate information is provided in denial letters going forward so that students have clear reasons for funding decisions.

Cancelled Childcare

WORKBC

THE LOWER MAINLAND

Julie was accepted into WorkBC's Single Parent Employment Initiative Program. As a single parent and income assistance recipient, Julie received tuition payments and child care coverage while she pursued career training with paid work experience. Thanks in part to the supports she received through the program, Julie's studies were going very well – she had successfully completed her first term and received approval for her second term of training.

Entering into her second term, Julie received funds for her daycare deposit and registration under the training agreement she had signed with the program. Towards the end of her second term, however, Julie unexpectedly received a bill from WorkBC for $450, asking her to pay back some of the child care funds she had received under the program. Upset by this, and unable to pay the full $450, Julie called WorkBC. It explained that the program had mistakenly provided her with funds for her daycare deposit and registration. Julie thought it was unfair that WorkBC would ask her to return the funds she needed to complete

her studies because of its mistake. With no further response from WorkBC and an outstanding debt, Julie called us for help.

Our investigation determined that WorkBC had entered into a contract with Julie to provide the daycare deposit and registration, and therefore Julie should not have to repay the funds she had received. As a result of our investigation, WorkBC agreed to reconsider its position and not pursue the recovery of funds from Julie. When we checked in with Julie, the debt had been cancelled and the payments she had made towards it were refunded. Julie thanked us for our help.

Investigative Case Summaries – Health

Out-of-Country Newborn Care

HEALTH INSURANCE BC

THE INTERIOR

While travelling abroad, Cheryl gave birth prematurely. Her newborn required approximately two months of neo-natal intensive care before the two could return to British Columbia. Once home, Cheryl submitted an out-of-country claim for the medical costs that were not covered by her private insurance. Health Insurance BC (HIBC) only refunded a fraction of her claim, and Cheryl could not determine why. She came to us.

We investigated HIBC's calculation of Cheryl's reimbursement: $41 each day her newborn was at hospital. The Hospital Insurance Act Regulations specify that out-of-country newborn care is paid at a maximum daily rate of $75 or at a lower rate specified by the ministry.

We asked the ministry to review Cheryl's claim. The ministry agreed, but stood by its earlier decision that the amount paid to Cheryl was consistent with ministry policy. Next, we looked into the explanation for the reimbursement amount provided to Cheryl. The ministry agreed the information could be better, and provided Cheryl a more detailed explanation of the decision.

Cheryl's complaint led to significant changes. As a result of our investigation, the ministry reviewed the standard reimbursement for out-of-country newborn care, as the rates had not increased for approximately 20 years. The ministry changed its policy and is now funding out-of-country newborn care at $75 a day – the maximum amount allowed by regulation.

Missing Tunes

FORENSIC PSYCHIATRIC SERVICES COMMISSION

THE LOWER MAINLAND

Nate, a patient at the Forensic Psychiatric Hospital, was disappointed to find his iPod music player had gone missing. Along with other belongings, the device had been placed in storage when Nate was housed in seclusion, following an incident. After Nate was released from seclusion, he retrieved his other belongings and asked for the iPod without success. Nate contacted us, saying the hospital had given him three different explanations. Either another patient took it, the iPod was still in storage somewhere, or Nate never had an iPod.

In response to our investigation the hospital confirmed it had been unable to locate Nate's device after a thorough search. It suggested: maybe Nate gave away the iPod?

We reviewed the hospital's property records carefully. The records indicated that the device was placed in storage when Nate went into seclusion. There was no record of the iPod being signed out of storage, and it was not found in storage when Nate specifically requested it.

Given that the device appeared to have gone missing while in the hospital's custody, we asked that it be replaced. The hospital replaced the iPod and gave it to Nate. We followed up with Nate – he was happy to have his new iPod and thanked us for our help.

Lost Dentures

INTERIOR HEALTH

THE INTERIOR

Adam was rushed to the hospital. By the time he was admitted into the emergency ward, Adam was in such pain that he was not fully conscious.

It took three months, but Adam was finally well enough to be discharged. Unfortunately, he could not find his dentures. He guessed that the dentures went missing early on during his stay while he was largely incapacitated from the intense pain and medication. Adam asked the health authority to help find his dentures.

The health authority conducted a search of the hospital but, unfortunately, did not find Adam's dentures. Denture replacement is not cheap, so Adam asked for help paying the deductible – his medical insurance would cover the rest of the cost. When the health authority declined to reimburse Adam for the deductible, he contacted us for help.

We asked the health authority how, in this case, it applied its client valuables and personal effects policy. Specifically, we noted that the policy provides a greater obligation to incapable and incapacitated clients, and that designation seemed to apply to Adam.

After reviewing Adam's emergency room records and medical charts, the health authority agreed Adam could be considered incapable at admission and at various points throughout his stay. Further, Adam's medical charts mentioned his dentures but not when they went missing.

As a result of our investigation, the health authority agreed to reimburse Adam for the cost of his deductible to replace his dentures. Adam was pleased with the results.

On Time for Treatment

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE LOWER MAINLAND

John required regular treatment for late stage cancer. Because he received disability assistance, he was eligible to access assistance for his medical transportation costs. These funds allowed John to attend his chemotherapy and other medical appointments that he would otherwise have great difficulty getting to.

Unexpectedly, John did not receive his transportation funds and he was forced to cancel a chemotherapy session followed by another critical medical appointment. For John, missing appointments was not an option. Desperate for help, he contacted us.

Our investigation confirmed that John had experienced a number of delays in receiving his transportation funds. Concerned that John might be forced to miss another medical appointment, we asked the ministry to review his file. The ministry started work right away by providing the funds John needed to attend his next medical appointment. The ministry also agreed to provide a policy exemption so that he would automatically receive a monthly payment to cover these costs without having to apply for each medical appointment.

We checked in with John and he let us know he made it to his medical appointment. He was also relieved to now receive monthly transportation payments because this meant he would no longer have to worry about missing an appointment because he couldn't afford to get there.

Investigative Case Summaries – Housing

Billing Readjustment

BC HYDRO AND POWER AUTHORITY

THE NORTH

Trevor had a recurring issue with his hydro bill. Because his home was remote, and a meter reader visited infrequently, BC Hydro relied on estimates to calculate Trevor's electricity usage. The estimates would always be too low. When the meter reader did attend Trevor's home, the reading was routinely higher than the past estimates. Consequently, Trevor's next bill would also be higher.

Trevor believed the fluctuation in his bills meant that he wasn't getting full credit at the lower step 1 rate on the estimated bills. Adding to his frustration about the amount of the bill, Trevor's bills would occasionally indicate a meter reading when no reading had occurred but a rate change or other billing event had taken place.

Trevor called BC Hydro and was encouraged to submit his own meter readings for consideration. After seven months submitting meter readings without results, Trevor contacted us, frustrated. We began an investigation.

We asked BC Hydro to explain Trevor's fluctuating billing history. BC Hydro told us that it adjusted Trevor's bills whenever an actual meter reading was obtained. However, the review discovered one missed amendment to fully apply the step 1 rate, and as a result, Trevor's bills were revised and he was credited $77.31. Trevor welcomed the credit but, understandably, he wanted to make sure that the billing going forward would be accurate. We wanted similar assurances.

BC Hydro told us they had automated the smoothing of step 1 and step 2 charges across multiple months, to favour all customers. BC Hydro also told us of several initiatives aimed at improving communication. We look forward to seeing these initiatives implemented over time, particularly those that alert customers to important changes to their accounts and provide more accurate information about usage.

For Trevor, in addition to the $77.31 credit on his account, BC Hydro installed a new meter which will store more information about his electricity usage and help ensure accurate billing.

Loss of Fish, Loss of Faith

BC HYDRO AND POWER AUTHORITY

VANCOUVER ISLAND / SUNSHINE COAST

Carol came home to an upsetting scene: her food had spoiled and most of her tropical fish were dead. While she was gone, BC Hydro had mistakenly cut her power.

Acknowledging that its error led to her loss, BC Hydro invited Carol to submit a claim for reimbursement. Carol submitted her receipts but, unfortunately, BC Hydro lost them. She sent fresh copies and BC Hydro told her to submit an additional claim form that was missing.

The back-and-forth continued for thirteen months before BC Hydro had good news for Carol: Her claim was approved and a cheque would be mailed. Again Carol waited. When no cheque arrived, she called us.

BC Hydro told us it had not been aware of Carol's claim. In fact, an independent contractor handled damage claims like Carol's. We reviewed the applicable records which showed that Carol's claim for reimbursement had been approved the

day after she made it – thirteen months previously. We presented this information to BC Hydro which, committing to process her claim immediately, sent Carol a letter of apology. Two weeks later, Carol received the cheque she needed, totalling $460.

As a result of our investigation, BC Hydro also began to take steps to prevent the mistake from recurring. To improve its damage claim process for all customers, BC Hydro then took back responsibility from the contractor for assessment, communication and processing of future claims.

Just an Informed Resident

CITY OF NEW WESTMINSTER

THE LOWER MAINLAND

Gary's condo building was leaking and required repairs. After the remediation work was completed, Gary noticed some airflow issues remained. He asked the city whether the repairs to the building met the requirements for safe ventilation under the city's building bylaws and the BC Building Code. After several months without a satisfactory response, Gary sought our help.

The city told us it had taken steps as a result of Gary's questions and concerns. The city had requested the Engineer of Record on the building permit for the envelope repair to confirm that the elimination of the vents would be in compliance with the BC Building Code. The city withheld final inspection approvals on the building permit until the engineer verified compliance with the BC Building Code and bylaw requirements. When the city did not receive the confirmation, the city put the contractor and the strata council in contact with the original architect to inspect the suites for compliance.

We asked why Gary was not informed of the actions taken by the city and learned that the city mistakenly believed Gary was corresponding from the building's strata council and was, therefore, informed of the city's actions as they were reported to council. We noted that Gary was not a member of the strata council and therefore it was not reasonable to assume he would be aware of the city's actions.

As a result of our investigation, the city agreed to provide Gary with a written response describing its actions in response to the concerns he raised. This open, direct communication was important to demonstrate that Gary's concerns were respected and he was being treated fairly. Gary was pleased to learn his concerns were being addressed.

Assessing the Assessment

BC ASSESSMENT

THE LOWER MAINLAND

Several years ago, Kirsty noticed a discrepancy on her new home's property assessment. It seemed a non-existent basement had been mistakenly included. At 500 square feet, Kirsty's phantom basement raised the total assessed value of her home by a fair amount.

Kirsty called the assessment authority about the error and sent the building plans for her house. A few years passed and Kristy looked at her property on the BC Assessment website. There, she saw, the problem was never fixed. The non-existent basement was still counted, resulting in a higher assessed value and higher property taxes.

This time, Kirsty contacted us and we agreed to look into the situation. She was one of several homeowners with unresolved assessment issues that we investigated.

The assessment authority readily admitted: mistakes do occasionally happen. With so many property assessments done each year, the authority must rely on property owners to review the property details on their assessments which are publicly available on the authority's website, *www.bcassessment.ca*.

Owners receive property assessment notices inviting them to visit the website and to find out more about their property assessment. The website also offers an array of popular services such as recent trends and a free comparison chart to find the value of neighbouring homes. Some owners go online; however many, including many seniors, do not.

To improve the printed notices, we asked the authority to include more details on the assessment notices to better inform property owners of the importance of reviewing their property details on BC Assessment's website to ensure their assessment is based on accurate information. BC Assessment agreed and shared with us the proposed changes for the coming year.

To help with communication, we asked the assessment authority to improve its handling of phone calls, particularly given that it regularly invites people to call and includes its phone number on the property assessment notices.

The assessment authority agreed. Now it will keep records of every phone call on the property owner's file, and will aim to return all calls within 48 hours.

As a result of our investigations, the assessment authority's communication changes promise to improve the assessment review process by allowing property owners to better see what has changed on their assessments, identify discrepancies, and correct errors promptly.

Enforcing the Wrong Bylaw

CITY OF SURREY

THE LOWER MAINLAND

After paving a driveway in front of his home, Jesse was surprised to receive a letter from the city saying that the driveway was larger than a local bylaw allowed. The city told him it had to be removed, and that failure to comply with this request could result in legal action by the city. Unhappy about having to tear up his driveway, Jesse came to us, saying he did not understand the decision.

We investigated. The city said that it had told Jesse that his driveway required a building permit. Unpermitted driveways like Jesse's could be subject to enforcement action by the city.

In response to our investigation, the city noted an error: Jesse's driveway did not exceed the paving area permitted by bylaw as Jesse had originally been told. Jesse actually required a city road and right-of-way permit, which he did not have.

Although the city, at this point, was no longer requiring Jesse to remove his driveway, we remained concerned. The letter Jesse received from the city had threatened enforcement action based on the wrong bylaw.

As a result of our investigation, the city agreed to review and clarify its bylaw enforcement process for driveways to ensure that, before threatening enforcement action, the city correctly identifies the bylaw that authorizes it to request a property owner modify, reconstruct, or remove a driveway. The city also agreed to ensure that any letters threatening to commence bylaw enforcement action contain precise information about the specific, applicable bylaw that the property owner is alleged by the city to be in contravention of.

Are You Two Related?

BC HYDRO AND POWER AUTHORITY

THE NORTH

Kyle decided to rent a small home from his mother. It had been left vacant with the power off for over a year and he was going to make it his. Kyle asked BC Hydro to turn on the power and open an account in his name.

It was not so easy. Kyle's mother owed BC Hydro almost $1000 from when the power was cut off. This bill was not paid. Noting that Kyle's landlord also was his mother, BC Hydro was worried that Kyle and his mother were name swapping to avoid paying the bill. BC Hydro asked Kyle to provide proof of his residency.

Kyle complied, sending a residential tenancy agreement and other documents that established his residency and lawful entitlement to be in the home. Unfortunately for Kyle, BC Hydro decided to deny service until his mother's old account was paid off. Kyle understood that the reason BC Hydro refused to provide him with power was because he was related to his landlord and his landlord owed BC Hydro money for the home. Kyle contacted us, believing it was unfair for BC Hydro to make requests of him only to refuse him service because he was related to his landlord.

We agreed to investigate, looking to the provisions of the Electric Tariff which BC Hydro must follow. The Tariff sets out circumstances that must be met for BC Hydro to refuse service. BC Hydro could refuse service on the basis that the landlord's account is not settled and require that the account be put into the landlord's name, yet instead it focused on the familial relationship. A family relationship between the landlord and tenant is not an approved reason for denial in the Electric Tariff.

That said, BC Hydro could also refuse service if it knew Kyle had lived with his mother at the time the bills were issued. However, this was also not the reason BC Hydro gave to Kyle for refusing service. Even if it had, BC Hydro did not ask Kyle to provide any proof of his residency during that time. If BC Hydro relied on this provision of the Tariff it would be acting on mere suspicion.

We noted that BC Hydro had the authority to refuse service to Kyle, but hadn't given him an explanation that was consistent with the Tariff. It also asked for documents that were unnecessary in the circumstances. We asked BC Hydro to take steps to prevent Kyle's frustration from happening to other potential customers.

BC Hydro agreed to review and amend its written procedures to better reflect the rules of the Tariff and avoid unnecessary or useless preconditions for service. BC Hydro also sent Kyle a letter with an explanation of what should have happened with his application for service and an apology for the frustration and inconvenience the lack of proper information from BC Hydro had caused him.

When we followed up with Kyle, he had paid his mother's bill. She had paid him back. BC Hydro connected the power and Kyle's home was warm for the arrival of winter.

Our Word Against Yours

BC HYDRO AND POWER AUTHORITY

VANCOUVER ISLAND / SUNSHINE COAST

Coral was surprised to find a $65 failed installation charge on her BC Hydro bill. Coral had asked BC Hydro to exchange her analogue meter for a smart meter. BC Hydro told her it would take two to six weeks and agreed to call her the day before the installation, so she could allow them access to her meter. She did not receive a call.

Coral asked BC Hydro to reverse the failed installation fee. BC Hydro refused and Coral complained to the BC Utilities Commission. Both authorities maintained that a courtesy phone call was not guaranteed and provided notes of BC Hydro's conversation with Coral as evidence she was not promised any advance notice.

Coral came to us, frustrated that her honesty was being challenged. She was adamant that BC Hydro told her on the phone that she would be called in advance of the meter installation, so she could prepare.

From other investigations, we were aware of inconsistencies with BC Hydro's response to customers like Coral who request

advance notice for meter installations. We investigated Coral's case.

BC Hydro provided us with notes of their communication and the original audio recording of their phone call with Coral. Coral was correct – the notes were wrong. The audio confirmed that BC Hydro had told Coral, twice, that she would get a courtesy call one day before the meter was to be installed.

We brought this discrepancy to BC Hydro's attention and asked that they refund Coral. It did so immediately. Coral felt vindicated and was happy to have the fee reversed.

Investigative Case Summaries – Income and Benefits

Administrative Barriers on Reserve

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE INTERIOR

When Janet moved into her new rental accommodation, she submitted the shelter information form required by the ministry.

Almost two years later, the ministry contacted Janet to say they had recently learned her address was on First Nations reserve land. On reserve, the Band, through Indigenous and Northern Affairs Canada (INAC) – and not the ministry – had responsibility for issuing her disability assistance. The ministry wrote to Janet to say they were taking collection action against her and had started deducting payments for the debt from her monthly disability cheque.

Janet did not have the funds to pay the ministry back the $20,000 in disability assistance she had received since she moved onto the reserve. Desperate for help, she contacted us.

We learned that Janet had adequately notified the ministry of her move to an address on reserve land, but it appeared the ministry never informed her of the income assistance rules for citizens who live on reserve. The ministry acknowledged that the payments were a result of ministry error.

As a result of our investigation, the ministry decided not to pursue recovery of funds from Janet. The ministry also agreed to reimburse Janet, in full, for deductions that had been made to her monthly disability cheques. Instead, the ministry approached INAC directly for repayment. Furthermore, we learned that the ministry had updated its shelter information form to clearly indicate whether the rental accommodation is on reserve land: now, when processing the form, ministry officials can refer the applicant to INAC when appropriate.

The ministry also agreed to continue working with INAC on the development of policy for people moving on and off reserve – including considering a possible mechanism to recover overpayments directly from INAC. When we followed up, Janet was relieved. Not only did the ministry not pursue repayment from her, steps were being taken that could prevent the same situation from happening to others.

Bracing for Difficulty

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

VANCOUVER ISLAND / SUNSHINE COAST

After paying a bill for his son's orthodontic expenses, Kent went to court and obtained an order that his former spouse pay for a portion of the bill. Because Kent was registered with the Family Maintenance Enforcement Program, his former spouse paid the $1000 to the FMEP, which in turn, sent Kent the money. Kent then paid his credit card, relieved that the problem was fixed.

However, Kent was an income assistance recipient. When the ministry learned he had received $1000 from the FMEP, it deducted that amount from his assistance. Back at square one and without funds to support himself or his children for the month, Kent contacted us. He thought it was unfair, but doubted there was anything we could do: the ministry said their policy was strict. FMEP fund transfers were income.

We investigated. Funds transferred into an account through the FMEP were classified as income, so the ministry believed nothing could be done. In other words, if Kent could have had his former spouse pay the orthodontist directly, the ministry would not have considered the funds income.

We explained our understanding: a court had ordered that $1000 was to go toward paying the orthodontic expense that Kent already paid. By deducting the money from the Kent's assistance, the ministry had effectively rendered the court order meaningless, as far as Kent was concerned. After asking the ministry to provide further information and reconsider its position, the ministry confirmed that a decision was made to issue Kent a cheque for the amount specified in the court order.

From Crisis to Recovery

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE INTERIOR

Sarah's recovery from surgery was taking time and bills were stacking up. When her employment insurance (EI) sickness benefits were set to end, Sarah asked the ministry for help. A single mother of three children, Sarah was not well enough to work and her family had no other source of income. Sarah received an eviction notice and a hydro disconnection notice: she wanted a crisis supplement to help her with these urgent costs.

The ministry, Sarah was told, could not offer a crisis supplement because documents showed she was expecting a retroactive child tax benefit payment soon. Likewise, the ministry offered partial income assistance – intended to be a "top-up" to her EI benefits. Full income assistance would start the following month.

We investigated and learned that the ministry had not received all the required documentation pertaining to Sarah's EI benefits, which indeed had been discontinued a month prior – there was nothing to top-up. Once the ministry reviewed this information, which demonstrated Sarah's immediate need, the ministry recalculated and issued her with full income assistance benefits retroactive to the time that her EI ended. The ministry also agreed to assist Sarah with her outstanding rent and hydro costs, thereby avoiding eviction for her family.

Investigative Case Summaries – Local Government

Keeping Sidewalks Safe

CITY OF NORTH VANCOUVER

THE LOWER MAINLAND

Melanie slipped on a municipal sidewalk, fell hard, and went to physiotherapy sessions to recover. Believing the city put pedestrians like her at risk due to sidewalk disrepair, Melanie contacted the city to ask for help with her medical bills. When the city's insurance advisor wrote back denying her claim, Melanie called us.

We asked the city what steps it took to investigate Melanie's claim, including the information considered by the city's insurer. We also obtained the relevant records and information, including the city's sidewalk maintenance standards.

When Melanie contacted the city about her fall, staff immediately began an inspection of the sidewalk. Notes and photographs documented why the city believed the section of sidewalk was in a reasonable state of repair. Further, no prior reports existed on file pointing to any risk. Without clear evidence showing a negligent act or omission by the city resulting in injury, the city did not believe it was legally liable for Melanie's injury and consequently the insurer declined to pay her medical bills.

We determined that the city used a fair process to consider Melanie's claim. The city had promptly inspected the section of sidewalk and observed no visible signs of breaks or other trip hazards. The reasons for rejecting the claim were not unreasonable and they were adequately explained to Melanie.

We did, however, note that the city had not established a regular schedule for conducting sidewalk inspections proactively. The closest policy the city had was its road maintenance policy, which stated simply that the city's road system was maintained in response to reports. This policy was more than 25 years old and did not appear to specifically address sidewalks, or the regular inspection of sidewalks for defects.

We believed the city could achieve better administration if it developed a sidewalk inspection schedule and drew their attention to selected examples of policies we had seen from comparable municipalities. In addition to avoiding liability, such a policy could provide a higher level of service to residents and help ensure sidewalk imperfections do not develop into tripping hazards. As a result of our investigation, the city initiated a review of its sidewalk inspection practice and we closed our file.

Word of Mouth

HEFFLEY CREEK WATERWORKS DISTRICT

THE INTERIOR

Heading into town, Casey ran into an acquaintance who informed her of a boil water advisory in the area. Tests showed the tap water was not safe to drink that day.

Soon after the chance encounter, Casey asked the water district to confirm the details. She also wanted to know how she could be better informed of future water advisories. She did not want to accidentally drink or serve unsafe water.

The water district explained its procedure to post notices on residents' doors and at several central places around town. Unfortunately, the one person responsible for that was away from work and consequently the boil water advisory notices were not posted.

Worried that staffing issues were interfering with the district's obligation to notify residents and users of important boil water advisories, Casey contacted us and we investigated.

The water district acknowledged that it had not provided proper notice and agreed to consider updating its procedure in light of staff limitations. As a result of our investigation, a new phone tree and email alert system will notify residents and users of both boil water and water quality advisories when they occur. Further, the water district said they intend to buy large sign boards to place at the two road entrances to Heffley Creek, for the benefit of visitors.

The door-to-door method of notification will be discontinued in favour of the automated system after it is tested and rolled out. The water district confirmed that it would continue to post future boil water advisory notices at the two town entrances and at the elementary school, community hall, town store, and at Canada Post community mailboxes.

The water district also agreed that it would notify water users before implementing any changes, and would also update its Emergency Response Plan to reflect the new procedure. We followed up with Casey to share the good news.

Peace and Quiet

TOWN OF LAKE COWICHAN

VANCOUVER ISLAND / SUNSHINE COAST

Amber considered her neighbourhood to be a residential area, and found a neighbouring business' industrial mixing operation to be loud and disruptive. She made several complaints to the town. After several years Amber contacted us, still concerned about the noise.

We investigated. The town had repeatedly followed up with the concerns Amber raised by asking the neighbour to voluntarily comply with the noise pollution bylaw. It appeared, however, voluntary measures were not effective.

Prior to Amber taking her complaint to us, the town had passed a new bylaw, varying the zoning on her neighbour's property. While the bylaw clearly allowed for the neighbour's continued operation, it also had specific restrictions that required him to operate in an enclosed area to reduce the impact on the neighbourhood. Based on the evidence provided by Amber, it appeared that the neighbour had not followed the restrictions.

We asked the town to follow up once more, and to consider taking additional enforcement steps if it found that the neighbour had not followed the requirements in the zoning.

The town agreed, and ultimately took enforcement action against the neighbour. The town also agreed to write to Amber, informing her that the property was now in compliance with the bylaws, and apologizing for the delay in responding effectively to her concerns.

When we called Amber with the news, she said the neighbour had already moved his operation to another property, in a less residential area. Amber had also framed the apology letter that the town sent to her, and hung it on her wall.

Investigation: In Depth

A New Process

VILLAGE OF ASHCROFT

THE INTERIOR

Executive Summary

Several residents of Ashcroft complained the village was sole-sourcing contracts for the initial stages of a costly water treatment plant. As a result of our investigation, the village agreed to develop a capital procurement policy and confirmed its commitment to put the remaining phases of the project out to tender.

Complaints

The complainants were all residents concerned the village had direct awarded contracts for the design and management of a water treatment plant. Given the significant amount of tax dollars to be spent on the water treatment plant, residents questioned whether this represented best value for taxpayers. The plant was proposed because the village's water supply did not meet the *Guidelines for Canadian Drinking Water Quality* and the B.C. Ministry of Health's *Drinking Water Treatment Objectives for Surface Water Supplies in BC*. This resulted in annual Water Quality Advisories.

We investigated whether the village followed a reasonable process when it awarded contracts for the water treatment plant

In response to our investigation the village said council had voted unanimously to hire a known contractor to manage the project, but had not yet awarded any contracts for the construction phase of the project. The village indicated it chose to hire the contractor because the village did not have the internal expertise to plan and manage a project of this scope and the contractor was familiar with the village's water system and had the expertise to manage the project. Ashcroft is a small village, and, for them, this was an unusually large project.

We asked the village about the process it followed to contract with the company to manage the initial phases of the project, and inquired whether the village had an applicable procurement policy. The village explained that its existing purchasing policy was not intended to apply to large capital projects and therefore had not guided the decision making in this case. We learned that work on several components of the project was done without any evidence of an open and fair procurement process having taken place.

We discussed with the village that best practice is for local governments to have up-to-date, comprehensive, written procurement policies and procedures. We pointed out that procurement that is fair, open and competitive supports open and transparent local government and helps ensure that local governments receive value for the tax dollars spent. Consequently, we consulted with the village and asked whether it would be willing to develop a more comprehensive procurement policy that specifically addressed capital project procurement.

The village agreed to develop a policy on a priority basis, and to apply the policy going forward to ensure consistent and fair procurement actions. The village agreed to ensure that the policy followed best practices in procurement, and was in keeping with two Auditor General for Local Government tools: *Oversight of Capital*

Project Planning and Procurement; and, *Improving Local Government Procurement Processes*.

We considered the village's decision to develop a comprehensive policy, and to implement a competitive procurement process going forward, to settle the matter that we investigated. When we explained the outcome of our investigation to the residents they indicated that while they remained concerned about the cost and need for the project, they were happy that the village was developing a competitive procurement process that would be implemented on future contracts.

Outcome

We understand that a policy development and approval process is now well underway. We also understand the village has now completed a competitive process to award a significant contract for the filtration

and equipment suppliers for the plant. The process started with a Request for Qualifications, where interested companies had the opportunity to demonstrate that they had the qualifications to participate in the proposal process. Three companies that passed the RFQ process were invited to make proposals through a Request for Proposal process, and the successful company was awarded the contract by the village council.

Investigative Case Summaries – Seniors

Speaking Up for Others

FRASER HEALTH

THE LOWER MAINLAND

Visiting her father in the hospital, Nicole was concerned with what she saw. She noticed apparent abusive and rough handling of patients and over-reliance on medication to manage patient behaviour. Restraints were all too common – there were abrasions on her father's wrists and ankles.

Outlining her concerns, Nicole went to the health authority's Patient Care Quality Office. The health authority responded, but only with respect to her father, noting it could not address concerns about other patients – those it referred back to the hospital ward.

On a return visit, Nicole watched one of the workers she had reported for rough treatment. Skeptical that Fraser Health intervened on behalf of the other patients, Nicole contacted us, adding that if it was not for a friend, she would have never known what to do with her concerns. She wondered why the hospital did not display signage to inform patients and visitors about the Patient Care Quality Office.

Through investigation we learned the health authority had conducted a thorough investigation into Nicole's complaint about all the patients in her father's room, including a lengthy interview with Nicole to hear her perspective. Concerned, the health authority met with fifteen employees, leading to a number of changes to their practice. Professional education sessions with weekly follow up became mandatory. Some employees were subject to a review of professional practice standards and staff was re-educated about the appropriate use of restraints.

We determined the investigation conducted by Fraser Health was thorough, and appropriate steps were taken to solve the patient care concerns. However, questions remained about the process to be followed when someone makes a complaint about a patient who is not their relative or loved one. Fraser Health agreed to develop a protocol for complaints made about staff misconduct or wrongdoing, to ensure they were addressed by the appropriate program.

We also had concerns with the lack of information available in the hospital about how to make a complaint. Fraser Health agreed with our recommendation to install signage in the hospital about the Patient Care Quality Office and link the health authority's existing whistleblower policy to their webpage.

As a result of our investigation Fraser Health will be better able to respond to complaints about patient care from non-relatives or loved ones and people in the hospital will be better informed about how to make a complaint about patient care.

New Process for Veterans

HEALTH INSURANCE BC

VANCOUVER ISLAND / SUNSHINE COAST

Harry retired from a career in the Canadian Armed Forces and needed Medical Services Plan (MSP) coverage. Typically, the federal government sends Health Insurance BC (HIBC) the required paperwork one day after a Canadian Armed Forces member is discharged.

Harry was surprised to find a gap in his coverage. One month passed before his MSP coverage started. Meanwhile, Harry incurred medical expenses. When Harry inquired about the apparent mix-up, HIBC declined to provide him retroactive coverage from his date of discharge from the military. After appealing to HIBC unsuccessfully for reimbursement, Harry reached out to us.

Canadian Armed Forces personnel discharged in B.C. are not required to fulfill the waiting period for MSP coverage. They are eligible for coverage on the date of release from service, provided they are in B.C. on that date – which Harry was. As a result of our investigation, HIBC agreed to immediately process Harry's MSP coverage retroactively so he could seek reimbursement for medical costs.

Further, HIBC told us it had begun improving its process respecting discharged Canadian Armed Forces personnel and would work with federal government agencies to maximize a smooth transition to civilian life for all eligible members. Harry was pleased that he could now apply for reimbursement of his medical expenses.

Request for Refund

FRASER HEALTH

THE LOWER MAINLAND

Joe, like many seniors, had a modest fixed income. His residential care facility charged him a subsidized rate.

To qualify for his lower rate, Joe provided income verification – a Notice of Assessment (NOA) from the Canada Revenue Agency. This verification worked until Joe's health began to decline and he became unable to manage his finances. Fraser Health sent Joe a letter warning that his monthly fee would more than double to the maximum monthly rate of $3168 if he did not submit his NOA before the deadline.

Joe's sister Cheryl took over Joe's financial affairs. Joe had not filed his taxes, so she quickly did so and submitted the NOA to Fraser Health shortly after, before the deadline had passed.

Trouble emerged five months later when Cheryl saw her brother's bank statement. Without further warning, Fraser Health had withdrawn the maximum monthly rate and Joe's account was overdrawn. Cheryl asked Fraser Health to adjust the rate retroactively but Fraser Health declined, only agreeing to adjust the rate going forward. Unsatisfied, Cheryl came to us.

We investigated and learned that Fraser Health had no record of receiving the NOA. Because Cheryl said she faxed it over, we asked whether there may have been an administrative error. Also, we questioned

whether Fraser Health might have considered a Temporary Rate Reduction on account of financial hardship from such a significant rate increase. Health authorities may authorize a temporary rate reduction for up to one year, where a client will experience serious financial hardship by paying the assessed client rate.

Because Cheryl had proof the NOA was dated before the deadline, Fraser Health agreed to backdate the rate adjustment, issuing Joe a refund of $6133. Fraser Health also enhanced their administrative procedure by recording the date that all NOAs are received by the health authority to ensure clients are charged the appropriate subsidized residential care rate based on their income. Cheryl was grateful for receiving the refund and pleased that her complaint led to an improved process for others.

A Verification Situation

HEALTH INSURANCE BC

VANCOUVER ISLAND / SUNSHINE COAST

With multiple health issues and a variety of personal strains, Reina, a senior, had fallen behind on her paperwork.

After not submitting taxes for several years, Reina received a letter from the PharmaCare program. The letter said Reina's deductible was being raised to $10,000 per year because the Canada Revenue Agency did not have her tax return – the document used to determine eligibility for coverage.

Reina could not afford to buy her expensive medicine out-of-pocket, so she called the program to discuss options. After being directed to an income review process, Reina found it was not so easy. The program knew that Reina's income had increased, but not by how much.

A formal income review would take some time.

Meanwhile, Reina's pharmacist was demanding payment and, to make matters worse, some of her new medication was not covered at all – it fell into an excluded range of drugs only covered when a doctor receives a "special authority" approval from the program. Reina's doctor did not have it. Desperate for her medication, Reina contacted us.

We agreed to investigate and quickly contacted the program inquiring about a possible interim solution. Reina needed time to both file her back taxes and complete the income review process. The program agreed, temporarily extending Reina's coverage based on a notarized affidavit – signed by Reina – demonstrating her low income.

For the special authority program approval, PharmaCare committed to review their publicly available information and develop new public awareness strategies to inform clients like Reina of the coverage protocol.

When we followed up, Reina said she was pleased that her complaint led to enhanced service for others. Reina had received the coverage she needed and PharmaCare was improving its communications.

I'll Be Saving My Receipts

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE LOWER MAINLAND

John, a senior, had been in receipt of disability assistance for over a decade. When he turned 65, John moved to Old Age Security. However, as a designated Person with Disabilities, John could still have certain medical costs covered by the ministry.

After turning 65, John found that his medical reimbursement requests were being rejected. He was surprised to learn that the ministry had closed his file. John visited the ministry office several times, hoping to have his file reopened, but the ministry refused to do so.

After four years, the ministry responded to his request to reopen his file and told him to reapply, which he did successfully. John followed up, sending the accumulated receipts for four years of medical costs, totalling around $1800. He believed these costs would have been covered had the ministry not mistakenly closed his file. John was surprised when his reimbursement request was denied, first at the ministry office, then through the ministry's reconsideration process, and then at appeal. He contacted us.

The ministry's legislation and policy authorizes continued medical coverage for former recipients of disability assistance who turn 65, continue to reside in British Columbia, and go onto a qualifying federal benefit such as Old Age Security. Ministry policy requires that staff review cases where a person on disability assistance is turning 65, send them a Medical Services Only (MSO) notification letter, and update the file. For reasons that could not be explained from the file records, this process was missed in John's case.

We determined the file should not have been closed. This meant that at least some of the medical costs that John incurred in that time period would have been covered if the ministry's MSO coverage had continued.

The ministry agreed to review John's saved receipts and ministry records. As a result of our investigation, the ministry confirmed that $1725 of the costs that John submitted were costs that would have been covered under his MSO had his file not been mistakenly closed. It mailed John a cheque for the full amount. When we followed up, John said he was at a loss for words and very thankful for our assistance.

Investigative Case Summaries – Work

Pen to Paper

CITY OF VANCOUVER

VANCOUVER

Brianna, a municipal employee, reported workplace bullying and harassment to the city.

Three months passed without a response to her complaint, so Brianna again contacted the city for an update on the status of the complaint investigation. When Brianna did not hear anything further about the outcome of the investigation, she contacted the city once more. This time, she was told the city would not consider her complaint unless it was made in writing. Brianna submitted a written complaint. Then, exasperated, she also came to us.

Through investigation, we confirmed that Brianna was only told of the city's written complaint policy around five months after her initial complaint. It appeared the internal written complaint policy was not well understood by the city employees.

In order to ensure employees understand complaints can only be investigated if submitted in writing, we asked the city to ensure written follow-up occurs with employees who phone-in workplace bullying, harassment or discrimination complaints. The city agreed to do so.

Next, we looked at Brianna's complaint. By this time, the city had completed its investigation report. This report found that some of Brianna's concerns were substantiated. The city informed Brianna of the outcome. Notably, the report referenced a previous human resources investigation by the city of a similar incident regarding the same person – it seemed Brianna was not the first to speak up. Yet when we asked to see the earlier investigation report, we were troubled to learn that no formal written report existed.

In response to our investigation the city agreed to prepare written reports following investigation of harassment, discrimination and bullying complaints made – in writing – by city employees.

Explaining the List

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE

THE INTERIOR

After many years providing the ministry with contracted services, Eli found he was passed by on a big contract opportunity. Concerned that his seniority on the supply list was ignored, Eli contacted us.

We investigated and confirmed that Eli indeed had seniority on the local hired equipment list but Eli's belief that he had been passed by was a misunderstanding. The work being done did not meet the list's intended use of providing for day labour and emergency projects. In this case, the ministry was using its local, full-time maintenance contractor to handle some additional, longer term work.

While we were satisfied that Eli had not been unfairly denied the contract, the explanation provided by the ministry to Eli was lacking. The ministry agreed with our concerns and provided Eli with a better explanation of its contracting practices and that from now on it would put offers of work to him in writing to prevent future misunderstandings.

Making Privacy Statement Public

LABOUR RELATIONS BOARD

VANCOUVER

Martin made a complaint about his union to the Labour Relations Board. When he learned that the board's full decision had been published online, Martin requested that the board redact his name from the document. He was under the misimpression that his complaint to the Labour Relations Board was confidential. When the board declined his request, Martin contacted us.

The board explained that the Labour Relations Code requires it to make decisions available in writing for publication. While complainants could certainly make an anonymity request to the panel assigned to their complaint prior to a decision, such requests could not change a decision published pursuant to the Code. Unfortunately, Martin learned of his privacy concern after his decision was made and published.

We continued our investigation and discovered the board had clear information on its website stating all board decisions would indeed be published. Additionally, the board helped protect complainants' privacy by taking steps to ensure decisions on its website from generating name search results from internet search engines, such as Google.

While we were satisfied with the board's response to Martin, we asked the board to consider developing a more deliberate process for complainants who might wish to seek anonymization or omission of sensitive personal information at the appropriate stage.

The board agreed to post a new privacy statement on its website, advising complainants that board decisions are published and – presumptively – include names and information relevant to the context and disposition of the dispute. Additionally, the board began updating its complaint guide to reference the privacy statement. While Martin did not get the result he wanted, his complaint led to changes that will help inform others in circumstances similar to his.

Optimism Not Always Appreciated

MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT

THE LOWER MAINLAND

As a single mother to a son with special needs, Harpreet was concerned when she was informed she would not be receiving her child care subsidy for the following month.

Because Harpreet was starting a new job with a slightly higher income potential due to commissions, the ministry determined she would not receive the child care subsidy until her new income was determined. Harpreet thought the decision was unfair as it was not guaranteed she would actually take home a higher income that month. She was relying on receiving the subsidy. After speaking to several ministry staff and being unable to resolve the concern on her own, Harpreet contacted us and said she was concerned about the financial impact the ministry's decision would have on her.

In response to our investigation, the ministry reviewed Harpreet's circumstances and decided, given her situation, to issue a partial child care subsidy for the following month to assist with day care costs while Harpreet started her new job and began earning commissions.

Investigative Case Summaries – Other

Relief From Requirements

SERVICE BC

THE NORTH

Peter went to his local Service BC Centre with questions about a government program. He stood in line.

While waiting, nature called and Peter was surprised to find no public washroom on site. Rather, Service BC directed Peter to a hotel nearby. Later, Peter contacted us. He thought it was unreasonable that this Service BC Centre, made to serve the public, did not have a public washroom.

We investigated. Service BC noted that section 14 (2) of the *Interpretation Act* provides an exception for government from some requirements set out in provincial legislation, such as the provision for washrooms in public facilities. While this appeared to be legally accurate, we remained concerned. What of the impact on those individuals who had business with the government – especially those with limited mobility? We were also concerned how this stance might be viewed by the public generally, not to mention the hotel nearby.

Service BC agreed to give their approach to providing public washrooms some more consideration. It undertook a review of all Service BC Centres. The review found that 45 sites have publicly accessible washrooms and 17 sites do not. However, staff at 13 of the sites, including the one Peter used, said they would be willing to escort citizens to the staff washroom. The remaining four sites are unable to provide public access to washrooms due to security concerns.

Next, Service BC made a commitment. Upon renovation of an existing Service BC office, or when securing new space, Service BC would require publicly available washrooms when feasible. As a result of our investigation, a directive was sent to all Service BC staff outlining both this long-term washroom commitment and staff members' responsibilities to facilitate washroom access in the short term. These commitments were also published to the internal staff intranet site for future reference.

While Peter would have preferred an immediate solution to what he believed was an unreasonable situation, the steps taken by Service BC to find both short-term and longer-term solutions were appropriate.

Greater Duty Owed

INSURANCE COUNCIL OF BC

THE INTERIOR

Believing an insurance licensee breached their professional Code of Conduct, Joy went to the Insurance Council of BC to make a complaint. In her complaint to the council she referred to several sections of the code that, in her view, were breached.

About 15 months later, Joy received a short letter from the council notifying her of the result: no wrongdoings or breaches of the Code of Conduct were found with respect to her complaint. The letter referred Joy to the courts should she wish to resolve her dispute with the licensee.

Because of the brevity of the letter and its lack of detailed findings, Joy was not sure if an investigation into her concerns really occurred. At the very least, Joy thought the council would have sat her down for an interview. Furthermore, Joy thought the council took too long to make its concise decision. She contacted us.

We entered into the investigation knowing that the council's primary duty of procedural fairness is owed to the licensee – the party about whom the decision was being made and who could be disadvantaged as a result.

Through investigation we could see that the council made reasonable inquiries, reviewed relevant documentation available to it, generally followed relevant policies, and acted within its authority. Although the process took approximately 15 months, it did not appear that the council's review or decision was improperly postponed. Joy made extensive written submissions to council and the head of the council's complaints department called her for more details when necessary.

The council's decision was consistent with the documentary evidence we reviewed. While the reasons given to Joy could have said more to promote transparency, they were not inadequate. In this case, open communication with Joy had to be balanced with the privacy rights of the licensee.

While Joy disagreed with the council's decision, we were able to independently confirm that the procedure used by council, taken as a whole, was not unreasonable. We informed Joy of our consideration.

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Systemic Investigations

Overview

In addition to investigating complaints, the Ombudsperson has the authority to initiate investigations on his own motion. The Ombudsperson uses this authority to consider issues from a broad systemic perspective. A systemic investigation is an investigation initiated by the Ombudsperson that is likely to result in findings and recommendations and a published Ombudsperson report.

Ombudsperson recommendations are aimed at improving administrative processes and ensuring that people are treated fairly.

The Office of the Ombudsperson monitors the implementation status of recommendations for a period of five years. Monitoring reports are available at *www.bcombudsperson.ca*.

Completed in 2016/2017

SPECIAL REPORT NO. 38, *UNDER INSPECTION: THE HIATUS IN B.C. CORRECTIONAL CENTRE INSPECTIONS*, JUNE 2016

Under Inspection reported on a 2001 – 2012 hiatus of the program of correctional centre inspections required by B.C. law. The report includes seven recommendations to address transitions of legally required programs from one ministry to another and to improve the inspection system that was put in place in 2012. When implemented, these changes will ensure that inspections give priority to matters related to inmates' human rights, health and safety. By 2018, the inspection program is to be brought into compliance with new international minimum standards for prison inspections embodied in the Mandela Rules. All seven recommendations were accepted by the ministries involved.

Recommendation Monitoring

In 2016/2017, the office continued to monitor the implementation status of recommendations. Monitoring included a review of statutory changes and consultation with authorities about actions taken.

Progress Update

A number of steps were taken in 2016/2017 to implement Ombudsperson recommendations. The full analysis will be set out in our monitoring reports to be posted on our website. What follows are highlights of the progress made in 2016/2017 by public authorities implementing recommendations from past systemic reports.

PUBLIC REPORT NO. 51, *IN THE PUBLIC INTEREST: PROTECTING STUDENTS THROUGH EFFECTIVE OVERSIGHT OF PRIVATE CAREER TRAINING INSTITUTIONS*, MARCH 2015

In the Public Interest reported on the oversight and regulation of private career training institutions. This investigation into the Private Career Training Institutions Agency and Ministry of Advanced Education concluded that a lack of effective oversight mechanisms for this sector leaves students vulnerable. The report contains 31 findings and 36 recommendations directed to the Ministry of Advanced Education.

Steps taken by the Ministry of Advanced Education towards implementation in 2016/2017 include:

- The *Private Training Act* came into force on September 1, 2016, making the ministry the oversight body for private career training institutions. This has resolved conflict and independence issues associated with the previous oversight model (Recommendations 1 and 32) and eliminated the ability for private career training institutions to bypass standard oversight through external accreditation (Recommendation 11).
- The *Private Training Regulation* now requires "interim" and "designated" institutions to provide students with direct access to tuition information and student policies (Recommendation 4).
- The *Private Training Regulation* sets out specific requirements for classes of changes to programs that must be reported and/or approved by the ministry (Recommendation 13).
- The *Private Training Act* establishes new enforcement authority for the oversight of private career training institutions through inspections, compliance orders and administrative penalties, suspensions and cancellations, offences and general information (Recommendation 21).
- All private training institutions regulated under the *Private Training Act* are now required to establish a dispute resolution process for student complaints, and the regulations include requirements for institutions to maintain records of student complaints (Recommendation 24).

PUBLIC REPORT NO. 50, *STRIKING A BALANCE: THE CHALLENGES OF USING A PROFESSIONAL RELIANCE MODEL IN ENVIRONMENTAL PROTECTION – BRITISH COLUMBIA'S RIPARIAN AREAS REGULATION*, APRIL 2014

Striking a Balance, reported on an environmental protection program for riparian ecosystems. The report concluded there had been a lack of oversight, training, information and reporting of the program by the provincial government. Twenty-five recommendations were made to the Ministry of Forests, Lands and Natural Resource Operations to ensure the *Riparian Areas Regulation* (RAR) functions in an administratively fair manner as it relates to the challenges and complexities associated with development. Twenty-four of the 25 recommendations have been accepted.

Steps taken by the Ministry of Forests, Lands and Natural Resource Operations towards implementation in 2016/2017 include:

- The ministry completed a review of local government implementation of and compliance with the *Riparian Areas Regulation* and reported publicly on the results of that review through a report presented to the Union of BC Municipalities and made available on the ministry's public website (Recommendation 1).
- Ministry staff held workshops for local governments across the *Riparian Areas Regulation* delivery area and worked one-on-one with some local governments to improve compliance (Recommendation 2).
- The ministry issued a new Riparian Areas Regulation Guidebook, publicly available on the ministry's website, clarifying the scope of the variance authority of local governments and providing more concise and directed guidance to stakeholders (Recommendation 3).
- The ministry now verifies the registration and standing of qualified environmental professionals when assessment reports are submitted (Recommendation 4).
- The ministry has implemented a complaints process for members of the public to raise concerns about the operation of the *Riparian Areas Regulation* (Recommendation 22).
- The ministry has established a process for tracking and analyzing complaints (Recommendation 23).

SPECIAL REPORT NO. 35, *TIME MATTERS: AN INVESTIGATION INTO THE BC EMPLOYMENT AND ASSISTANCE RECONSIDERATION PROCESS*, JANUARY 2014

Time Matters identified that the Ministry of Social Development and Social Innovation was not meeting its own legislated requirements to complete reconsideration decisions within specified time limits. The ministry's delays meant more than 900 of the ministry clients lost benefits they were entitled to receive. As a result of this investigation, almost $350,000 in benefits have been paid to persons financially affected by these delays. The government has also made a regulatory change to ensure approved benefits are

paid retroactively in the event of ministry delay beyond the specified time limits. The ministry has also agreed to improve the way that it tracks reconsideration requests and compliance with time limits. In addition to measures which address impacts on persons who lose benefits as a result of late decisions, the ministry also agreed to review its application process for Persons with Disabilities designation. In total, the Ombudsperson made three findings and four recommendations.

Steps towards implementation we learned about in 2016/2017 include:

- The *Employment and Assistance for Persons with Disabilities Amendment Act*, 2016 was implemented in September 2016 and established a simplified application process for designation as a person with disabilities for individuals already determined to be eligible for the following (Recommendation 2):
  - Community Living BC services
  - the Ministry of Children and Family Development At Home Program
  - BC PharmaCare Plan P – Palliative Care
  - Canada Pension Plan Disability Benefits

PUBLIC REPORT NO. 49, *NO LONGER YOUR DECISION: BRITISH COLUMBIA'S PROCESS FOR APPOINTING THE PUBLIC GUARDIAN AND TRUSTEE TO MANAGE THE FINANCIAL AFFAIRS OF INCAPABLE ADULTS*, FEBRUARY 2013

No Longer Your Decision examined the process for issuing certificates of incapability that result in the Public Guardian and Trustee of British Columbia assuming care and management of an adult's financial and legal decision making. The investigation found that the process did not meet the requirements of fairness and reasonableness in a number of respects. The report included 21 findings and 28 recommendations which focused on improving practices followed by the Public Guardian and Trustee and the six health authorities, establishing provincial training for staff, and creating legally binding minimum requirements.

Steps towards implementation in 2016/2017 include:

- The Public Guardian and Trustee has amended its cover letter to assessors, specifying that adults under assessment must be provided with the following information (Recommendation 6):
  - the purpose of the medical assessment
  - that the adult can refuse to be assessed
  - that the adult can have a support person present
  - how the adult can obtain a copy of the medical assessment
  - how the adult can challenge the medical assessment or request a reassessment

PUBLIC REPORT NO. 47, *THE BEST OF CARE: GETTING IT RIGHT FOR SENIORS IN BRITISH COLUMBIA (PART 2)*, FEBRUARY 2012

The Best of Care (Part 2) is the Ombudsperson's final report on a three-year investigation into seniors' care, published following Part 1, which in 2009 addressed residential care priorities including rights for seniors, access to information, and the role of resident and family councils.

Part 2 is a comprehensive report with 143 findings and 176 recommendations – more than any other Ombudsperson report. The recommendations are intended to improve home and community care, home support, assisted living and residential care services for B.C.'s seniors.

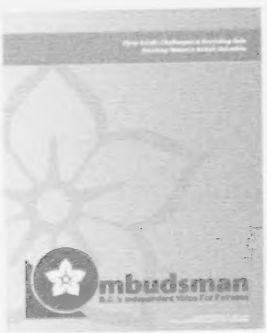
Steps towards implementation in 2016/2017 include:

- The Office of the Seniors' Advocate has begun identifying, collecting, and publicly reporting on key home and community care data. The Office of the Seniors' Advocate publishes collected key home and community care data in its annual *Monitoring Seniors' Services* report (Recommendations 2 and 3).
- The ministry has developed a new information management system in which a standardized process requires health authorities to undertake to meet certain roles, expectations, and requirements (timelines, test file submission rates, etc.) before the respective health authorities can discontinue use of an old information management system (Recommendation 6).
- The BC Seniors' Guide is available online, including an e-book format for tablets, laptops, and other devices (Recommendation 9).
- Provincial guidelines about providing clients with access to their assessments were finalized in December 2015 (Recommendation 10).
- The ministry has implemented the Patient Safety Learning System to capture and categorize quality complaints and monitor for potential systemic issues (Recommendation 15).
- The ministry has implemented a standardized approach across all health authorities to the Choice in Supports for Independent Living application process which includes: ensuring that information is available to the public; expanded eligibility criteria; and an online guide and workbook developed in partnership with Spinal Cord Injury BC (Recommendation 41).
- Since 2012, the ministry has doubled the number of investigators, analysts, and support staff in the Office of the Assisted Living Registry (Recommendation 79).
- In March, 2017 the government announced that Part 3 of the *Health Care (Consent) and Care Facility (Admission) Act* will come into force in 2018. Part 3 will clarify the legal requirements to obtain consent or substitute consent before an individual is admitted to a care facility (Recommendation 115).
- The emergency circumstances necessitating the permitted use of restraint was clarified in section 74(1)(a) of the *Residential Care Regulation* (Recommendation 136).
- The ministry revised its Guide to Community Care Licensing and remained committed to a three-year review and update cycle (Recommendation 150).
- All health authorities are now using a standard provincial Risk Assessment Tool to determine inspection priority levels for residential care facilities (Recommendation 156).
- All health authorities now post summary results of inspections of both *Hospital Act* and *Community Care and Assisted Living Act* facilities on their public websites (Recommendation 159).
- The *Residential Care Regulation* was amended to require licensees to notify persons in care, and their family members, prior to any substantial

changes to the nature of operations including the selling or transferring control of a facility and major staffing replacements (Recommendation 171).

- Funding increases announced March 9, 2017, are to be introduced over the next four years to enable each health authority to reach an average of 3.36 direct care hours per resident day across both publicly administered and contracted residential care facilities (Recommendation 124).

SPECIAL REPORT NO. 32, *FIT TO DRINK: CHALLENGES IN PROVIDING SAFE DRINKING WATER IN BRITISH COLUMBIA*, JUNE 2008



Fit to Drink included 39 recommendations made to the five regional health authorities, the Ministry of Environment, the Office of the Provincial Health Officer, and the Ministry of Health. The recommendations addressed the following areas: dealing with questions, concerns and complaints; public advisories and notices; monitoring and enforcement; issues affecting small systems; and drinking water management initiatives. The authorities accepted and agreed to implement all of the recommendations.

Steps towards implementation in 2016/2017 include:

- The Ministry of Environment has completed consultation and finalized guidelines for the management of ground water sources used as drinking water. The guidelines provide a risk-based approach for assessing health risk from ground water and establishing treatment objectives should water wells be deemed to be at risk from pathogens (Recommendation 23).
- The BC Water and Waste Association has developed a Small Water System outreach pilot program under a ministry grant to provide training, coaching and community engagement to representatives of small water systems to advance the financial sustainability, operational resilience and safety of their systems (Recommendation 33).
- To deal with emerging issues related to cyanobacterial toxins from blue-green algae in drinking water supplies, the ministry developed a decision protocol for sampling and assessing risk to drinking water supplies (Recommendation 20).

Detailed monitoring reports that address each recommendation made by the Ombudsperson will be published on the Ombudsperson's website in 2017/2018. For email updates on this and other news from the Office of the Ombudsperson, please sign up at http://bcombudsperson.ca/subscribe

Other Systemic Reports

BYLAW ENFORCEMENT: BEST PRACTICES GUIDE FOR LOCAL GOVERNMENTS

Authority: Local Governments
Subject: Local Government
Report Date: March, 2016

OPEN MEETINGS: BEST PRACTICES GUIDE FOR LOCAL GOVERNMENTS

Authority: Local Governments
Subject: Local Government
Report Date: September, 2012

ON SHORT NOTICE: AN INVESTIGATION OF VANCOUVER ISLAND HEALTH AUTHORITY'S PROCESS FOR CLOSING COWICHAN LODGE

Authority: Vancouver Island Health Authority
Subjects: Health, Seniors
Report Date: February, 2012

HONOURING COMMITMENTS: AN INVESTIGATION OF FRASER HEALTH AUTHORITY'S TRANSFER OF SENIORS FROM TEMPORARILY FUNDED RESIDENTIAL CARE BEDS

Authority: Fraser Health Authority
Subjects: Health, Seniors
Report Date: February, 2012

HEARING THE VOICES OF CHILDREN AND YOUTH: A CHILD-CENTRED APPROACH TO COMPLAINT RESOLUTION

Authority: Ministry of Children and Family Development
Subject: Children and Youth
Report Date: January, 2010

THE BEST OF CARE: GETTING IT RIGHT FOR SENIORS IN BRITISH COLUMBIA (PART 1)

Authority: Ministry of Health Services, Ministry of Healthy Living and Sport
Subjects: Health, Seniors
Report Date: December, 2009

Statistics

Statistical Overview

The following pages provide a statistical perspective of the Office of the Ombudsperson's work and performance between April 1, 2016 and March 31, 2017.[1]

The Office of the Ombudsperson received 7,997 individual inquiries and complaints. The majority of intake was by telephone (5,775), followed by web form (1,447), letters (627), and in person visits (148).

The Office of the Ombudsperson receives complaints about over 2,800 provincial public authorities. This jurisdiction includes ministries, commissions, boards, Crown corporations, local governments, health authorities, self-regulating professions, school boards and universities.

The authorities about whom the office received the most complaints were the Ministry of Social Development and Social Innovation (16 per cent of complaints), and the Ministry of Children and Family Development (11 per cent). Complaints about the Ministry of Health and various Health Authorities together represented 13 per cent. The Ministry of Justice and the Ministry of Public Safety and Solicitor General together represented nine per cent of complaints.

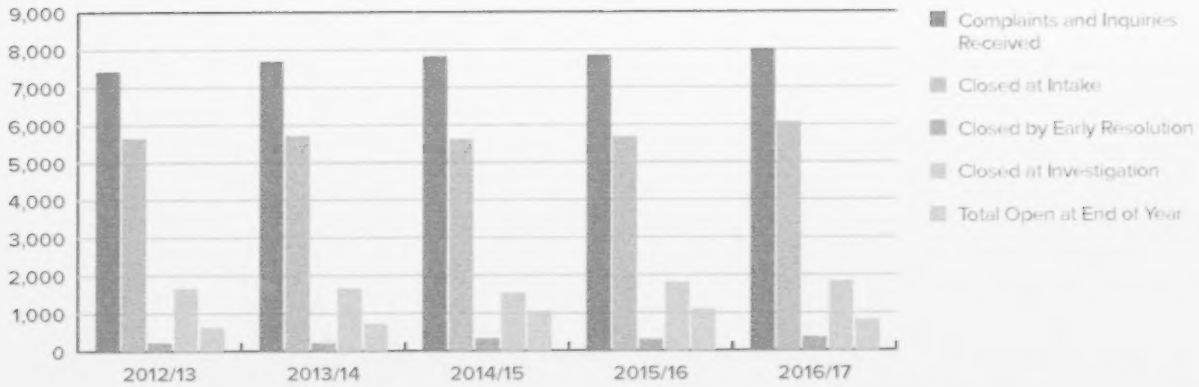
The Early Resolution Program resolved 362 complaints by redirecting them into a streamlined process that addresses and resolves problems within ten working days.

For more formal investigation, 1,864 files were assigned to Ombudsperson Officers in 2016/2017 and 1,850 files were closed by those officers. The Files Awaiting Assignment list is reviewed regularly to ensure all files are assigned to investigation with the more urgent complaints receiving priority. On March 31, 2017, there were 223 files on the Files Awaiting Assignment list, down from 498 files the year prior.

A detailed breakdown of files opened and closed by authority can be found on the Annual Report page at *www.bcombudsperson.ca*.

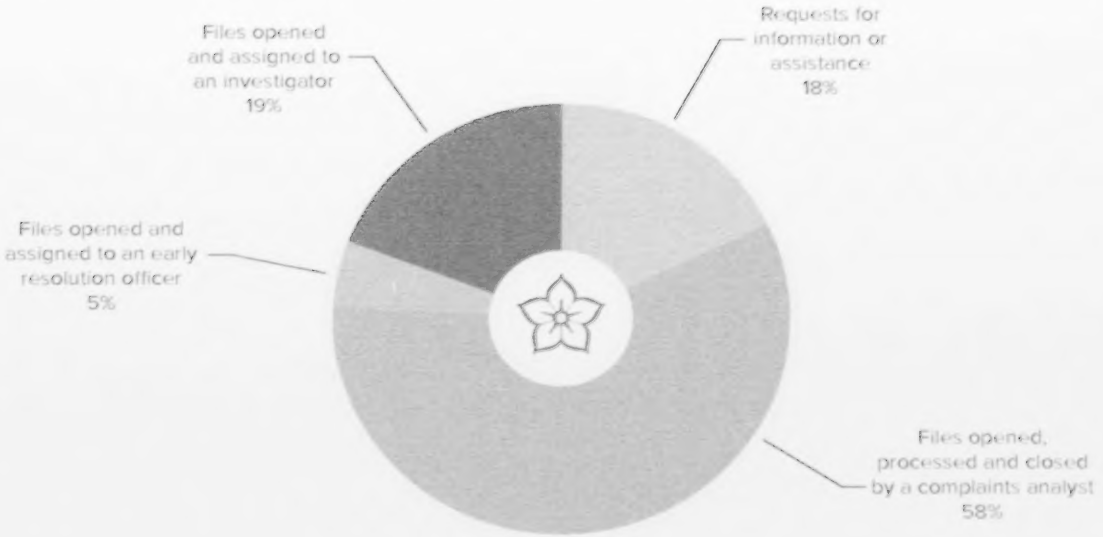
1 Closed files include files from previous years. The data contained in the following tables and charts may occasionally vary slightly from previous reports. In such cases, the figures given in the most current report are the most accurate.

Work of the Office



	2012/13	2013/14	2014/15	2015/16	2016/17
Open at the Beginning of the Year					
Open Files Awaiting Assignment	147	75	246	409	498
Open Files Assigned	609	565	473	648	606
	756	**640**	**719**	**1,057**	**1,104**
Complaints and Inquiries Received					
Requests for Information or Assistance	2,020	1,969	2,209	1,847	1,461
Files Opened	5,411	5,717	5,608	6,002	6,536
	7,431	**7,686**	**7,817**	**7,849**	**7,997**
Complaints and Inquiries Closed					
Closed at Intake	5,647	5,713	5,611	5,681	6,061
Closed at Early Resolution	226	224	333	303	362
Closed at Investigation	1,676	1,671	1,535	1,819	1,850
	7,549	**7,608**	**7,479**	**7,803**	**8,273**
Open at the End of the Year					
Open Files Awaiting Assignment	75	246	409	498	223
Open Files Assigned	565	473	648	606	609
Re-opened Files	2	1	0	1	4
	640	**719**	**1,057**	**1,104**	**832**

How We Dealt with Inquiries and Complaints in 2016/17


Files opened and assigned to an investigator 19%
Requests for information or assistance 18%
Files opened and assigned to an early resolution officer 5%
Files opened, processed and closed by a complaints analyst 58%

Complaints and Inquiries Received

5,775 phone calls
1,447 online forms
627 letters
148 in person

Intake
Collect information, provide assistance and open files

1,461 requests for information or assistance handled by a call coordinator
4,611 files closed by a complaints analyst

File assigned to an early resolution officer	File sent to investigation	File closed at intake (referrals, non-jurisdictional, etc.)

Early Resolution
Investigate complaints suitable for the early resolution process

388 files assigned to an early resolution officer
362 files closed by an early resolution officer

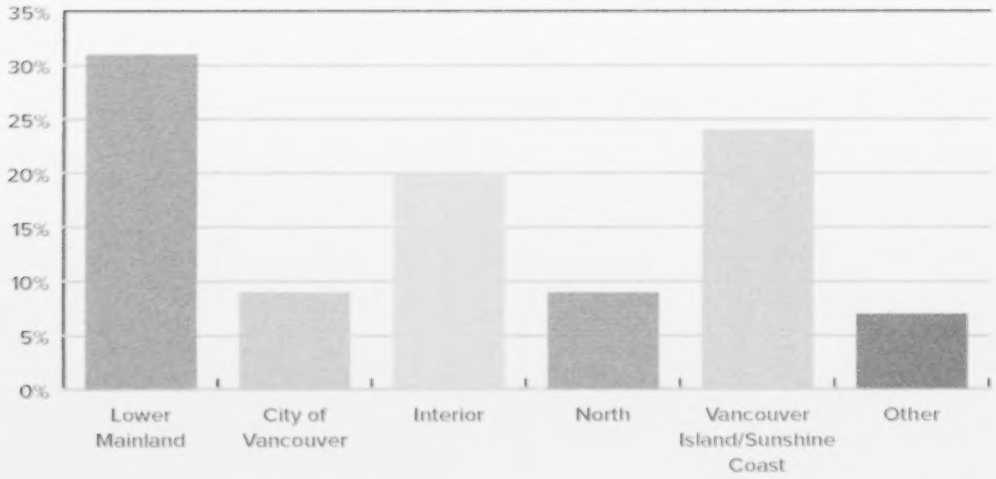
Files Awaiting Assignment List

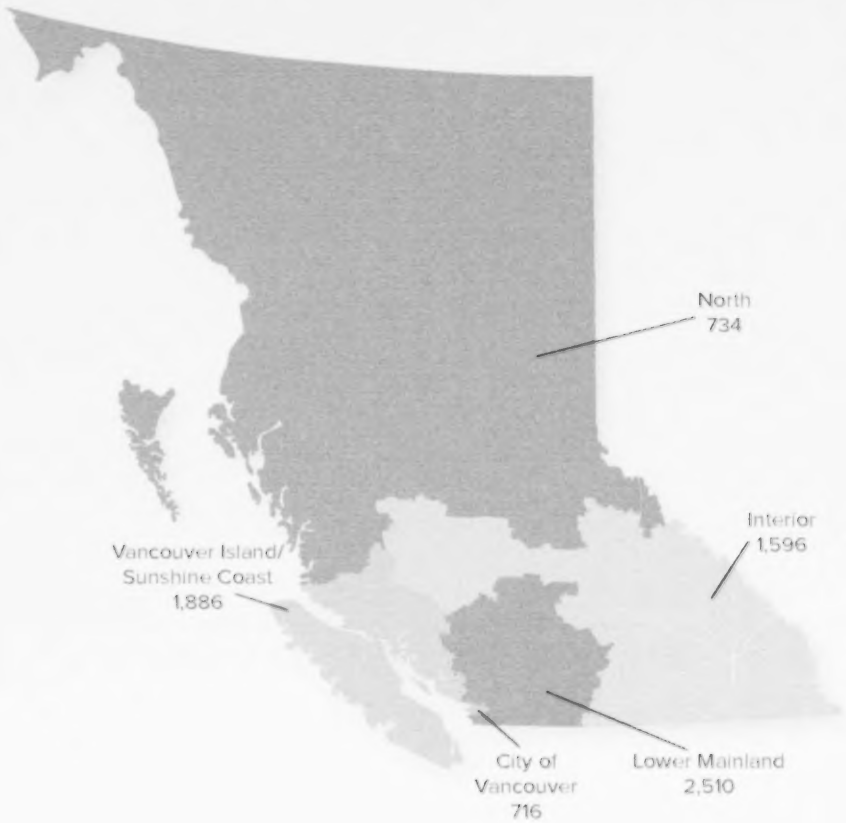
498 files were waiting on the FAA list as of April 1, 2016
1,562 files were sent to the FAA list in 2016/17 (including **25** transferred early resolution files)
223 files were on the FAA list as of March 31, 2017

Investigation
Investigate complaints

1,864 files assigned to an investigator

Complaints and Inquiries Received – By Region





Note: The category "Other" includes complaints/inquiries from people outside B.C. (306), and from people within B.C. who did not provide a postal code or city (249).

Complaints and Inquiries Received – By Electoral District

#	ELECTORAL DISTRICT	RECEIVED
1	Abbotsford-Mission	61
2	Abbotsford South	85
3	Abbotsford West	57
4	Alberni-Pacific Rim	103
5	Boundary-Similkameen	122
6	Burnaby-Deer Lake	29
7	Burnaby-Edmonds	91
8	Burnaby-Lougheed	45
9	Burnaby North	46
10	Cariboo-Chilcotin	104
11	Cariboo North	100
12	Chilliwack	118
13	Chilliwack-Hope	106
14	Columbia River-Revelstoke	63
15	Comox Valley	145
16	Coquitlam-Burke Mountain	24
17	Coquitlam-Maillardville	63
18	Cowichan Valley	134
19	Delta North	50
20	Delta South	28
21	Esquimalt-Royal Roads	106
22	Fort Langley-Aldergrove	77
23	Fraser-Nicola	95
24	Juan de Fuca	107
25	Kamloops-North Thompson	142
26	Kamloops-South Thompson	170
27	Kelowna-Lake Country	98
28	Kelowna-Mission	85
29	Kootenay East	85
30	Kootenay West	91
31	Langley	53
32	Maple Ridge-Mission	148
33	Maple Ridge-Pitt Meadows	100
34	Nanaimo	137
35	Nanaimo-North Cowichan	133
36	Nechako Lakes	58
37	Nelson-Creston	109
38	New Westminster	82
39	North Coast	54
40	North Island	147
41	North Vancouver-Lonsdale	50
42	North Vancouver-Seymour	30
43	Oak Bay-Gordon Head	84

#	ELECTORAL DISTRICT	RECEIVED
44	Parksville-Qualicum	68
45	Peace River North	70
46	Peace River South	63
47	Penticton	122
48	Port Coquitlam	134
49	Port Moody-Coquitlam	40
50	Powell River-Sunshine Coast	144
51	Prince George-Mackenzie	106
52	Prince George-Valemount	176
53	Richmond Centre	19
54	Richmond East	53
55	Richmond-Steveston	21
56	Saanich North and the Islands	112
57	Saanich South	68
58	Shuswap	125
59	Skeena	37
60	Stikine	43
61	Surrey-Cloverdale	42
62	Surrey-Fleetwood	45
63	Surrey-Green Timbers	52
64	Surrey-Newton	45
65	Surrey-Panorama	116
66	Surrey-Tynehead	58
67	Surrey-Whalley	131
68	Surrey-White Rock	60
69	Vancouver-Fairview	51
70	Vancouver-False Creek	80
71	Vancouver-Fraserview	23
72	Vancouver-Hastings	89
73	Vancouver-Kensington	28
74	Vancouver-Kingsway	36
75	Vancouver-Langara	48
76	Vancouver-Mount Pleasant	150
77	Vancouver-Point Grey	39
78	Vancouver-Quilchena	23
79	Vancouver-West End	70
80	Vernon-Monashee	101
81	Victoria-Beacon Hill	181
82	Victoria-Swan Lake	114
83	West Vancouver-Capilano	41
84	West Vancouver-Sea to Sky	77
85	Westside-Kelowna	121
	Total	**7,037**

Note: These numbers do not include complaints/inquiries from outside B.C. (306), or from people who did not provide sufficient information from which the electoral district could be determined (654).

Files Opened – Significant Authorities

	AUTHORITY	2015/16 % OF TOTAL JURISDICTIONAL FILES OPENED	2016/17 % OF TOTAL JURISDICTIONAL FILES OPENED
1	Ministry of Social Development and Social Innovation	20.1%	16.0%
2*	Ministry of Justice and Attorney General Ministry of Public Safety and Solicitor General	9.2%	11.9%
3	Ministry of Children and Family Development	12.4%	11.3%
4	Insurance Corporation of British Columbia	6.1%	6.7%
5	Workers' Compensation Board	4.2%	5.2%
6**	Ministry of Health	4.2%	4.4%
7	BC Hydro and Power Authority	4.4%	3.8%
8	BC Housing	2.2%	2.4%
9	Island Health	1.4%	2.1%
10	Fraser Health	2.4%	2.1%
	% of remaining jurisdiction files	33.4%	34.1%

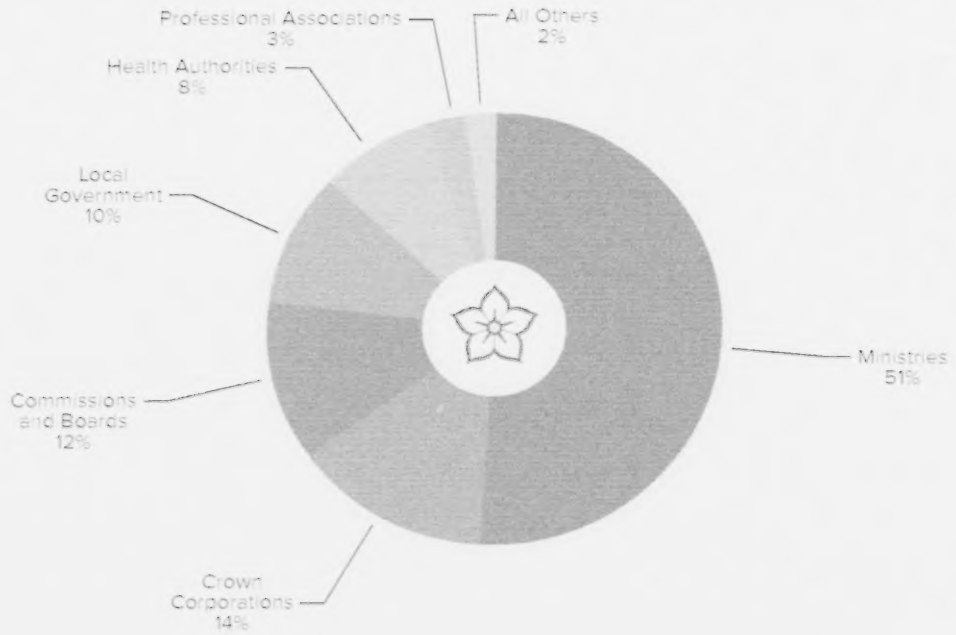
* Until December 11, 2015, the Ministry of Justice was responsible for the programs now divided between these two ministries, including Adult Corrections (6.6% of jurisdictional files) and the Family Maintenance Enforcement Program (2.2% of jurisdictional files).

** Ministry of Health file numbers do not include Health Authorities. Ministry of Health files combined with Health Authority files total 12.8% of jurisdictional files.

"I am writing to express my sincere thanks... It is my true belief that our government works for [the] people."

Complainant - 2016/2017

Files Opened – By Authority Category



MINISTRIES		
Fifty-one per cent of all files		
Social Development and Social Innovation	32%	924
Children and Family Development	22%	654
Public Safety and Solicitor General	16%	480
Health	9%	251
Justice and Attorney General	7%	210
Finance	4%	114
Natural Gas Development (responsible for Housing)	4%	108
Transportation and Infrastructure	1%	43
Forests, Lands and Natural Resource Operations	1%	40
Jobs, Tourism and Skills Training	1%	28
Advanced Education	1%	24
Other Ministries	2%	51

CROWN CORPORATIONS		
Fourteen per cent of all files		
ICBC	47%	385
BC Hydro and Power Authority	26%	217
BC Housing	17%	138
Community Living BC	3%	24
BC Assessment	3%	21
Transportation Investment Corporation	2%	17
Other Crown Corporations	2%	18

COMMISSIONS AND BOARDS		
Twelve per cent of all files		
Workers' Compensation Board	45%	302
BC Securities Commission	12%	78
Public Guardian and Trustee	11%	74
Workers' Compensation Appeal Tribunal	5%	37
TransLink	3%	22
Human Rights Tribunal	3%	19
Health Professions Review Board	3%	17
Legal Services Society	3%	17
Other Commissions and Boards	15%	111

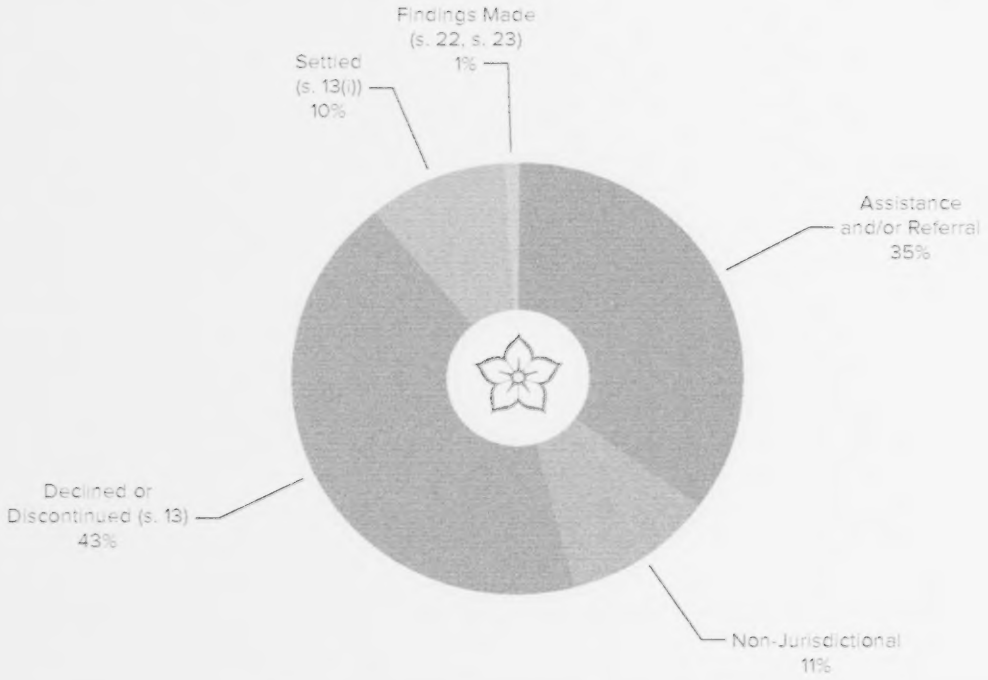
LOCAL GOVERNMENT		
Ten per cent of all files		
City of Vancouver	8%	44
City of Surrey	4%	24
Regional District of Nanaimo	3%	18
City of Victoria	3%	16
City of Kamloops	2%	14
District of Saanich	2%	12
City of Prince George	2%	11
City of New Westminster	2%	10
District of Sooke	2%	10
Regional District of Okanagan-Similkameen	2%	10
Other Local Government	70%	399

HEALTH AUTHORITIES		
Eight per cent of all files		
Island Health	25%	123
Fraser Health	25%	121
Vancouver Coastal Health	19%	94
Interior Health	18%	90
Provincial Health Services Authority	7%	34
Northern Health	5%	26

PROFESSIONAL ASSOCIATIONS		
Three per cent of all files		
Law Society of British Columbia	51%	78
College of Physicians and Surgeons of BC	29%	45
College of Dental Surgeons of BC	3%	5
College of Registered Nurses of BC	3%	5
Other Professional Associations	14%	21

ALL OTHERS		
Two per cent of all files		
Schools and Boards of Education	65%	86
Universities	22%	29
Colleges	7%	9
Libraries	4%	5
Parks Boards	2%	3

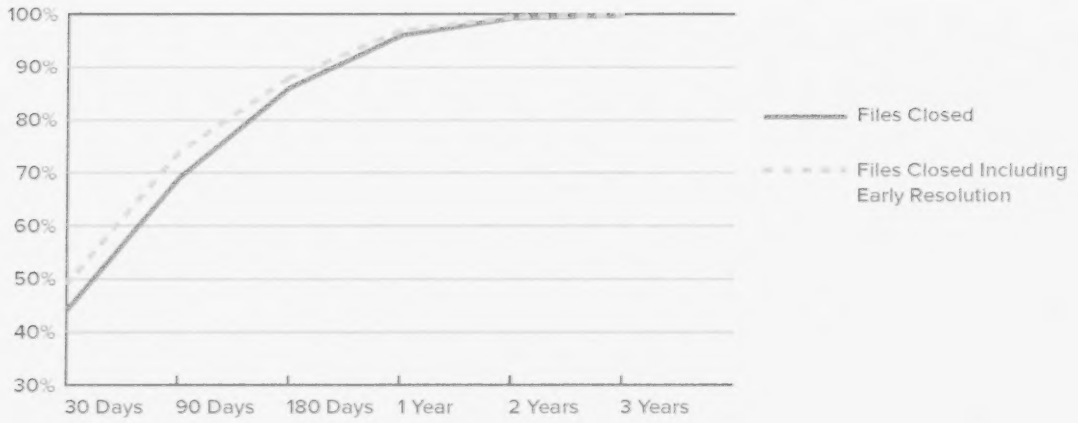
Files Closed – By Closing Status



CLOSING STATUS	MATTERS CLOSED
Assistance and/or Referral	2,413
Non-Jurisdictional	786
Declined or Discontinued (s. 13)	2,955
More than one year between event and complaint (s. 13(a))	6
Insufficient personal interest (s. 13(b))	69
Available remedy (s. 13(c))	1,484
Frivolous/vexatious/trivial matter (s. 13(d))	0
Can consider without further investigation (s. 13(e))	916
No benefit to complainant or person aggrieved (s. 13(f))	185
Complaint abandoned (s. 13(g))	169
Complaint withdrawn (s. 13(h))	126
Settled (s. 13(i))	662
Findings Made (s. 22, s. 23)	75
Total Matters Closed	**6,891**
Total Files Closed*	**6,812**

* Files closed may have one or more matters of administration identified, and each matter is closed separately. Therefore the number of matters closed during a period may be greater than the number of files closed. A file is considered closed when all of its matters of administration are closed.

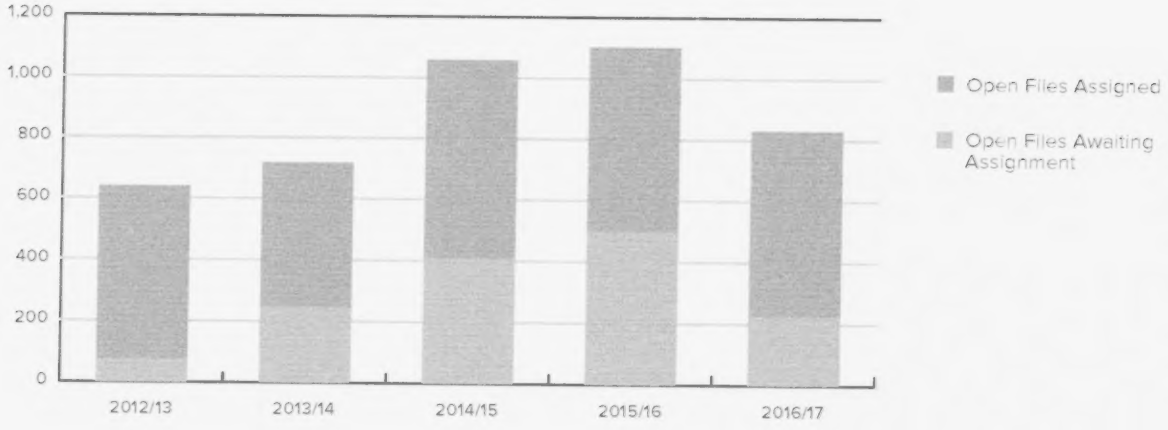
Files Closed – Length of Time to Close



	2012/13*		2013/14*		2014/15*		2015/16*		2016/17*	
Closed Within 30 Days**	600	37%	589	36%	684	45%	808	44%	737	40%
Closed Within 90 Days	1,072	66%	1,129	68%	1,140	75%	1,390	76%	1,269	69%
Closed Within 180 Days	1,343	83%	1,425	86%	1,349	89%	1,636	90%	1,585	86%
Closed Within 1 Year	1,526	94%	1,574	95%	1,462	97%	1,760	97%	1,773	96%
Closed Within 2 Years	1,605	99.3%	1,631	98.4%	1,500	99.1%	1,811	99.7%	1,834	99.3%
Closed Within 3 Years	1,609	99.5%	1,650	99.5%	1,507	99.5%	1,814	99.8%	1,843	99.8%

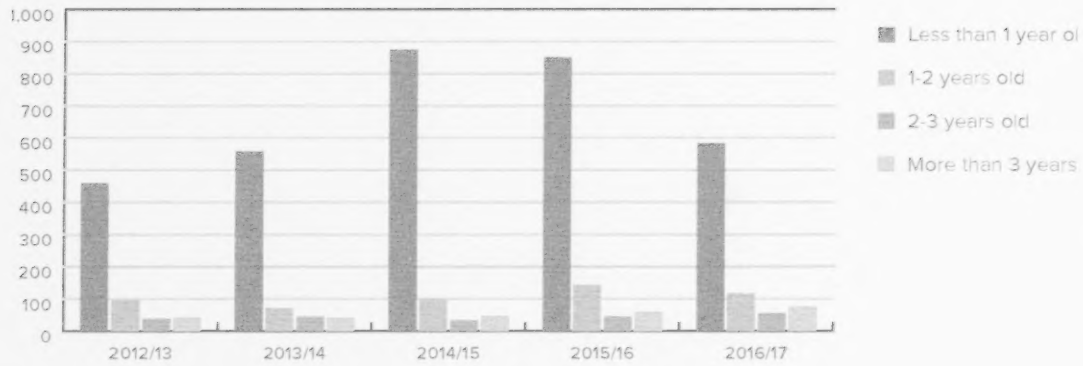
* Elapsed time does not include time spent on the Files Awaiting Assignment list.
** Does not include Early Resolution files that were closed within 30 days.

Open Files at Year End



	2012/13	2013/14	2014/15	2015/16	2016/17
Open Files Awaiting Assignment	75	246	409	498	223
Open Files Assigned	565	473	648	606	609
Total Open Files	**640**	**719**	**1,057**	**1,104**	**832**

Open Files – Age of Files at Year End



	2012/13		2013/14		2014/15		2015/16		2016/17	
Less than 1 year old	459	72%	559	78%	874	83%	852	77%	583	70%
1-2 years old	98		72		100		144		117	
2-3 years old	39	29%	46	22%	35	17%	47	23%	56	30%
More than 3 years old	44		42		48		61		76	
Total Open Files at Year End	**640**		**719**		**1,057**		**1,104**		**832**	

Office of the Ombudsperson Staff on March 31, 2017

Addis, Stephanie
Apland, Trisha
Barlow, Ross
Barnes, Adam
Bertram, Keir
Bertsch, Jennifer
Biscoe, Chris
Blackman, Linda
Blakeman, Candie
Bockus-Vanin, Alycia
Brown, Rhonda
Burley, Teri
Cambrey, Brad
Cameron, Meganne
Cavers, Stewart
Chalke, Jay
Chapman, Matthew
Chunick, Carly
Clarke, Bruce
de la Giroday, Robert
Densmore, Brad
Downs, Dustin
Evans, Lisa
Fraser, Annette
Gardner, Victor
Giarraputo, Charisse
Gingras, Leoni
Graham, Rebecca
Green, Jaime
Heaney, Kristine
Hintz, Elissa
Horan, Anne
Jackson, Zoë
Jeakins, Katherine
Macmillan, Zoë
Mailey, Coralynn
Malan, Sarah
Mather, Shannon
Matheson, Deidre
McMillan, Christina
McPherson, Colin
Morgan, Keira
Morgan, Glenn
Morris, Christine
Murray, David
Paradiso, David
Paul, Nathan
Pearson, Heather
Phillips, Lisa
Rahman, Zara
Rasmussen, Susan
Rao, Robert
Reid, John
Rohrick, Rebecca
Siroski, Shaleen
Slanina, Sarah
Stanton, Rose
Toora, Serena
Van Swieten, David
Walter, Rochelle
Warren, Rachel

CO-OP STUDENTS

University of Victoria co-op students joined the office for four month terms in 2016/17.

Aburto, Andres
Belcher-Coward, Olivia
Bond, Jessica
Gardner, Ashley
Hannah, Elizabeth
Jordan, Alan
MacKinnon, Emily
Mullins, Marie
Partridge, Megan
Presnail, Megan
Riva, Lauren
Shapka, Alexandra
Tsao, Dora

TRANSPARENCY

ACCOUNTABILITY

FAIRNESS

The Office of the Ombudsperson
B.C.'s Independent Voice For Fairness

MAILING ADDRESS:
Office of the Ombudsperson | PO Box 9039 Stn Prov Govt | Victoria BC V8W 9A5

TELEPHONE:
General Inquiries Victoria: 250.387.5855 | Toll Free: 1.800.567.3247

IN PERSON:
Second Floor | 947 Fort Street | Victoria BC

FAX: 250.387.0198

WEBSITE: www.bcombudsperson.ca